

ANNO XXIII.
HENRICI
VIII.



He Kyng our Soueraygne Lorde
Henry the viij. by the grace of god
kyng of Englande and of fraunce, de-
fendour of the fayth, and lorde of Ire-
lande at the session of his high Courte
of parliament after diuers proroga-
tions holden at westminster the .xv. day of January,
in the .xxiiij. yere of his moste noble raigne to the ho-
nour of almighty god and holy church, & for the com-
mon weale and profit of this his realme, by the
assente of the lordes spirituall & temporall, &
the commons in this present parliament
assembled, and by auctorite of the
same, hath ordeined, establish-
ed, & enacted certayne good
statutes lawes and ordi-
nances in maner &
forme folowing.

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In acte that no person committinge petie treason, murder, or felony, shalbe admitted to his cleargie, vnder subdeacon. Cap.i.



Here at a parliamente holden at westminster, in the iii. yere of king Edward the fyrst, the same kynge moued the prelates of the realme, and theym enioyned vppon theyr faith, that they owed to him, that in no wyse they should deliuer those clerkes, which were indited for felony, wythoute due purgacion, so that the sayde kinge should haue no nede to put other remedie in that behalf.

And that notwithstanding after that moniclon diuers and many clearkes conuict were accustomedly deliuered and suffered to make theyr purgacions to the great courage of euill doers: By occasion whereof afterwarde at an other parliamente holden at westminster in y. 4. yere of king Henry the 4. vppon the complainte of the commons the same kinge Henry the fourth than aduertised the prelates of the realme of the premisses, entending than to haue provided remedie, by auctorite of the sayd parliament, as appertayned to his prerogatiue royall, for the conseruacion of the peace of the Crowne: At which tyme the archbishoppe of Canterbury, for him selfe and all other bishoppes of his prouince than openly promised to the same kinge Henry the 4. that if any personne from thenceforth were conuict of any treason, which touched not the kinge nor his royall maiestye and suche as were notoriously knowen and reputed for theues, and for suche cause deliuered to any ordinary as a cleрке conuict, that the ordinary, to whom suche personne or personnes were deliuered, should safely keepe them after the effecte of a constitution prouincial to be made by the sayde archbishoppe and bishopps after the effecte of the letters of Symon than afoze that tyme archbishoppe of Canterbury, bearinge date the xii. Calendes of Marche, the yere of oure Lord God M.CCC.L. and that no such traytour nor felon should make his purgacion againe the sayde Constitution, which constitution the said Archebishoppe then promised to deliuer to the same kynge before his nexte parliamente, to thintente that if it shoulde seeme to the same kinge, that the same constitution were not sufficiente remedie for the premisses, that then the sayde kinge mighte provide such remedie as shoulde appertayne in that behalfe. Sithen which tyme the same constitution was neuer notisped ne shewed by the prelates of this realme, but continually sithen that tyme manifeste theues and murderers indited and founde giltye of theyr misdeedes by good and substantial inquestes vppon playne and probable euidence before the kynges Iustices, and afterwarde by the vsages of the common lawes of the lande deliuered to the ordinaries as clearkes conuict, bee spedily and hastily deliuered and set at large by the mynisters of the sayd ordinaries for corrupcion

cion and lucre, or els because the ordinarie enclayminge suche offenders by the lybertyes of the Church, wyl in no wyse take the charges in safe keepinge of theym, but little regardyng the tryall and conuiction of the sayde offenders, by the due and playne course of the common lawes of the land, do suffer them to make theyr purgacions by suche as nothynge knowe of theyr misdeedes: and by suche fraude adnull and make voyde all the good and prouable tryal that is vled agayne such offenders by the kings lawes to the greate disclaunder of such as pursue such misdoers, and to the pernicious example, encrease, & courage of such offenders, if the kinges highnes by his auctoritey to all put not speedye remedy in the pmisses as appertayneth.

Be it therefore enacted by the king oure soueraigne lord, and the lordes spirituall and tempozall, and the commons in this presente parliamente assembled, and by auctoritey of the same, that no person nor personnes, which here after shall happen to be founde guilty after the lawes of this lande for any maner of petie treason, or for any wilfull murder of malice prepensed, or for robbinge any churches, chapels or other holy places, or for robbinge of any personne or personnes in theyr dwelling houses or dwelling place, the owner or dweller of the same house, his wyfe, his children, or seruants than being wythin, and put in feare and dread by the same, or for robbinge of any person or persons in or neare about the highe wayes, or for wilfull burning of any dwelling houses or barnes, wherein any graine of cornes shall happen to bee, nor any person or personnes beinge founde guilty of any abettemente, procuremente, helping, maintayning, or conncelinge of or to any such petie treasons murders or felonyes, shall from henceforth be admitted to the benefite of his or theyr cleargie, but vtterly to bee excluded thereof and suffer death in such maner & fourme as they should haue done for any the causes & offences abouesayd, if they were no clerkes. Such as be wythin holy orders, that is to say of the orders of subdeacon or above al onely excepte.

And be it further enacted by auctoritey aforesayde, that every such personne and personnes within such orders of subdeacon or above, which at any time hereafter be found guilty of any petie treason, or of any murder, of malice prepensed, or of any of the felonyes aboue rehearsed, or of anye accessory to petie treason, wilfull murther, or to anye other the felonyes aboue specified, and admitted to his or theyr cleargie, and deliuered to the ordinarie for the same, shall not in any wyse from henceforth be suffered to any purgacion, nor bee set at libertie, but remaine and abyde in perpetuall pryson, vnder the keepinge of the ordinarie, to whom he shalbe committed and his successours, wythoute any maner purgacion duringe the naturall lyfe of eucry such conuicte, Except onely such personne or personnes to bringe wythin suche holy orders and conuicte, of or for any of the offences aforesayde, and deliuered to the ordinarie of the same, to finde two suffi-

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cientie sureties by recognisaunce before two of the kynges Justices of his peace within the same hyrre, where the petie treason, murther, or felonye wherof he was couicted, was committed and done, wherof one of them to be of the Quorum, that such couicte shall be of good abearynge agaynst the king our soueraigne lord, his lawes and subiectes, every such couicte to be bounde in the summe of xl.li. and every his suerties in xx.li. And that no suretie be taken onelesse such as maye dispende in landes, tenements or hereditaments perely aboue all charges of estate of inheritaunce of charter holde, xxvi.s. viij. d. or els be worth. xx.li. in moueable substaunce at y time of the taking of such recognisaunce. And that two Justices of peace, wherof one to be of the Quorum, by auctorite aforesayde haue power and auctorite to take such recognisaunce. And that the sayd Justices, afoze whō any such recognisaunce shall bee taken, shall certifye the same into the kynges benche within. iij. monethes nerte after takinge therof, vpon peyne to lose and forsaite. C. s. for every default therof.

Provided alway, that this acte extende not to geue any benefyt to any such person or persons, whiche after their confession, or iudgemente geuen against theym of or for felonye murther, or after they be outlawed for any suche cause be admitted to theyr clergy and deliuered to the ordinarie for the same, that they and every of theym shall remaine in the custodye of the ordinaries without makinge purgation, vpon such perill and in such manner and forme as it was vsed by the comon lawe before y makinge of this present acte, this acte or any thinge therein contained notwithstandinge.

Provided alwaies, and it is further enacted, that every ordinarie, to whose custodie anye suche couicte for any of the offences aboue reherfed shall be committed, maye at his libertye disgrace euerre such couicte after the lawes of the church, yf he see cause so to dooe, and sende the couicte so disgraded in sure and safe keepinge into the kynges benche with a certificat vnder his seale testifyng the sayd disgradinge, vpon the which the Justices of the kynges bench, hauinge afoze them the recorde, vppon the which the sayde person so disgraded was fyrst couicte, shall geue such like iudgement of Death vpon the same recorde agaynst every such person so couict and disgraded, as the Justices afoze whom he was couicte mighte haue done: yf the person so disgraded at the tyme of his conviction afoze theym had be no clerke, his admission to his clergy, and committinge to y ordinarie, ne any other thinge vse or custome to the contrary hereof notwithstandinge: And that every such iudgemente shall be executed accordingly: And that every ordinarie so sendinge any such couicte disgraded into the kynges bench shalbe discharged against the kinge our souerayne lord his heires & successours of or for any further custody or keepinge of the same couict.

This acte to continue vnto the laste day of the nerte parliament.

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An act concerninge where and vnder what maner
the iayles within this realme shalbe e-
difed and made. Cap. ij.



Or as much as it is necessarie and commendable, that
common iayles and prysonnes, wherunto cuill doers
shall be committed for their offences, should bee surely
and substantially edified in such towones in euery shyre
wythin this realme as shalbe most indifferent for con-
uenance of prysoners from euery part of y^e shyre wher
in such iayles shalbe, and in especiall in those towones,
where most commonly the assises and sessions been vsually kepte, and
where there is most resort and repaie of people to the intent that by the
meane thereof fewe shal escape, and also the rather and oftner reliefe and
charitie of the people shalbe to the prysoners ministred: It may therefore
please the kinges highnes wyth thassente of the lordes spirituall and tem-
porall, and the commons in this present parliament assembled, and by au-
thoritie of the same to enacte that the Iustices of peace of euery of y^e shires
of Essex, Suff. Dorset. Suffol. Surrey, Nottingham, Glouc. Bedford,
Buck. Huntingdon Wiltel. Kente, Warwike, Stafforde, Oren. Bark.
Leicester, Rutland, Lincolne, Hereford, Northampton, Salop, North. and
Cornwall, or the most parte of the saide Iustices of peace in euery of the
saide shires wythin the limittes of their commission, shall haue full power
and auctoritie to limitte and appoint at any tyme within the terme of one
yeare from the ende of this presente parliamente the towones and places
wherein they shall thinke moste necessary to haue a common iayle newly
edified and made. And that also the saide Iustices of peace in euery of the
saide shires, or the moste part of the saide Iustices of peace wythin the li-
mittes of their commission shal haue full power and auctoritie to call be-
fore them at times and places by them to be appointed, all the high consta-
bles, tithing men, or boroughe holders of euery hundred, lathe, or wapen-
take in the shyre, whereof they be Iustices, and in their presence and by
their assentes and agreementes, or in the presence and by thassente of the
most parte of them shal conclude and agree vpon such conuenient and
certaine summes of money, as shall be thoughte by their discretions and
by examination of workemen to suffice for the making and perfecte finis-
shinge of a newe iayle in the shyre, whereof they bee Iustices of peace, and
thereuppon shall forthwith by theyr assentes agreementes and discretions
take and set euery such person and persons, as than shall be resident in the
same shyre, as well wythin libertyes as wythoute, hauinge landes, tenes-
mentes, rentes, or annuities of estate of inheritance, or for terme of life
to the clerelyerely value of xl. s. or aboue, or beyng worth in moueable sub-
stance y^e cleere value of twenty pound, or aboue, to such reasonable payde &
summes

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summes of money as shalbe thoughte conveniente by their discrecions to
and for the full buildyng makinge and finishyng of the sayd commō iayle
of the shyre, where such assessemente shal bee made. And after such taxa-
cion to name and appoyne such numbze of collectours for the leuyng
thereof, as shall seme best by theyr discrecions. And that the sayde collec-
tours and every of them shall have power and auctorite to distreine every
such person as shall be set or taxed by the sayde Justices of peace as is afoze
sayde in their landes or goodes, as well within liberties as without, and
to sell the distresses by them taken by thapprelement of.iiiij. honest persons
for the paymente of the sayde summes to be taxed, yf the person or persons
taxed refuse to pay the same within .x. dayes nexte after such distresse takē,
takinge upon every such sale but onely the money taxed, with reasonable
costes for takinge of the distresse: and the overplus of such sales to be deli-
vered to the owner of the sayde distresse. And that also the sayde Justices
of peace in every of the sayde shyres, or the most parte of theym, within the
lymites of theyr commission, shall have power and auctorite to name and
appoynt two honest persons inhabited in the sayde shyre, wherein they be
Justices, which .ij. persons shall survey, see, and provide, that the sayde iay-
les shall be sarelse and substanciallye made and finishyd: to whose handes
the sayde collectours shall paye and deliver the money by them collected of
the kinges subiectes by appoyntmente and assignement of the sayd Jus-
tices of peace or .vi. of them at the least. And that as well every of the sayde
collectours as every of the sayd .ij. persons to be named, their heires, execu-
tours and administratours shall declare a true and iuste accompte to the
sayd Justices of peace in every of the sayde shyres, or to .vi. of theym at the
least from time to time when they shall be required.

And in case any of them refuse to make accompte, or refuse to pay and em-
ploy such summes of money as shall come to their handes, in such wyse as
shall bee lymytted and appoynted by the sayde Justices of peace or .vi. of
them as is afoze sayde that then the same Justices of peace or .vi. of them
in every shyre, where such iayles shall be newe made, shall have full power,
and auctorite, if the sayd offendours be presente to commit theim to warde
and yf they bee absente to make attachementes vnder thir seales by theyr
discrecions again: every such collectour and person, to whose handes any
of the sayde summes of money taxed shall happen to come, theyr heires
executours and administratours and every of theym, into every shyre and
parte of this realme, as well within libertie as without, to be returnable
afoze the sayd Justices of peace, at such daye and place as by them shall be
appoynted, and to be directed to the shryffe or shryffes of y shyre, wherein
the party or parties, againe whom such attachement shalbe directed, shall
be resident and abidyng, if it bee within the bayliwicke of the shryffe, and
if it be without, than to be directed to the baylie of the libertie, wherein
such partye shall abide. And that everye shryffe and bayliffe of libertie,
to

to whose handes suche attachmentes shall come, wythoute fauour or corruption shall attache the sayde offenders, and personally bringe them before the sayd Iustices according to the tenour of thattachmente to theym dyrected, or els declare by his returne of the sayd attachment some reasonable cause why he cannot so do, vpon payne for euery default by them or any of them committed contrary to this act to lose and forsaite C. s. to þe king our soueraine lord: and vpon the apparance of euery such person so attached the sayde Iustices or vi. of them shall haue full power and auctorite to commit them to prison, there to remaine wythout bayle or mainprise till they haue truly accompted and payde all such summes of money as came to theyr hands by the assignement of the saide Iustices by auctorite of this act. And in case there happen to remaine any ouerplus of money after the sayles fullpe and wholly finished, than it is ordered, that the same ouerplus shalbe employd and bestowed in almes to the prisoners to be committed to the sayd sayle by the discretions of the sayd Iustices of peace or the more part of them, as long as it will last.

Þrouided alway, that this acte extend not to charge any persons inhabited wythin any cities townes or borowes corporate, which haue common sayles for felons taken in the same, & haue iustices of peace for deliuerance of such felons, for any taxes or lottes to the making of the sayde common sayles of any the shires aboue named, but that euery suche inhabitaunt in any such city towne or borow corporate shalbe vtterly discharged thereof.

And be it further enacted that seuerall commissions vnder the kings great seale, with this present acte thereto affiled, shalbe directed to the Iustices of peace of the shires afoze named, auctorizinge them to accomplishe and execute this presente acte accordinge to the tenour thereof in euery behalfe, and that the sayd Iustices of peace in euery of þe shires afoze named haue power and auctorite to limitte to euery of the sayd collectours, and persons by them to be named, that shal take paynes for leuying of the money taxed or for the surueying of the making of the sayd sayles, such reasonable summes for theyr paynes and labours for the collection of the sayd money and surueying the making the said sayles.

And be it further enacted by the auctorite afozesayd, that all murderers and felons shalbe imprisoned in the said common sayles, & not els where. And that the sheriffes shall haue the keeping and charge of the same new sayles: and that euery sheriffe be allowed vpon his accoſpte in the eschequer for all & euery such summes of money as he shall hereafter happen to expend in & about the necessary reparacions or amendments of the said sayles, after they be once made from time to time as often as neede shall requyre: & that the barons of the kings eschequer haue power to allow euery sheriff in euery such case by their discretions wythoute any bill or warrante to be serued from the kings highnes in that behalfe. Þrouided alwayes that this acte bee not in any wyse hurtfull or pꝛiudiciall to any person or persons

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persons hauing any common iayles by inheritaunce for terme of lyfe or for yeres, but that they shall haue and enioy theyr sayd iayles and the profites fees and commodities of þ same as they had or mighte lawfully haue had before the makynge of this acte, and as if this acte had neuer bene had ne made.

Be it further enacted by auctorite aforesayde that like prouision in euery behalfe be had for a new Gaile to be made wpythin the county of Derby in lyke fourme as is prouided for other shyres aforesayde.

An acte concerning periurie and punishment of vntrue verdictes. Cap.iii.



He king our souerayne Lorde of his most godly and gracious disposition calling to his remembrance how þ periurie in this lande is in manifolde causes by vnreasonable meanes detestably vled to the disheritance and great damage of many and greate number of hys subiectes, well disposed, & to the most high displeasure of Almighty God.

The good statutes agaynst all officers hauing retorne of wyttes & theyr deputies makynge panelles parcially for rewards to them gyuen, agaynst vnlawfull mayntenours embzours and Jurours, and agaynst iurours vntruly geuinge theyr verdicte not wythstandinge. For refozmacion whereof, and for asmuch as the late noble kinge Henry the seuenth, prouided remedye for the same by a statute made in the xi. yere of his raygne, which statute is now expyred. Be it therefore now enacted by the kinge our souerayne lorde and the lordes spyrituall and tempozall and the commons in this presente parliamente assembled, and by auctorite of the same that vppon euery vntrue verdicte hereafter geuen betwixte party and partye, in any suite, plainte, or demaunde, before any Iustices or Judges of recoorde, where the thyng in demaunde and verdicte thereupon geuen extendeth to the value of xl. li. and concerneth not the ieoperdy of mans lyfe, the party greued by the same verdicte shall haue a writte of attaynt agaynst euery personne hereafter so geuing an vntrue verdicte and euery of them, and against the party, which shall haue iudgemente vppon the same verdicte. And that in the same attaynt, there shall be awarded agaynst the petite Jury, the partye, and the graunde Jury Somons Resomons and distres infinit, whych graunde Jury shall be of lyke number as the graunde Jury is now in atteinte, and euery of theym, that shall passe in the same, shall haue landes and tenementes to the value of twenty markes by the yere of freeholde out of the auncient demeane.

And vppon the distres which shall be deliuered of recoorde vppon the same open proclamation to be made in the Courte there, The distres shall bee awarded moze than fyfteene dayes afoze the retourne of

of the same distres, and euery such distres shalbe made vppon the lande of euery of the said graunde Iurie as in other distres is and hath ben vled. And if the saide party defendante or the petite Jurours or any of them appeare not vpon the distres, than the grande Iurie to be take against them and euery of them that shall so make default. And if any of the sayde petite Iurie appeare, than the party complainant in that behalfe shall assigne the false serement of the first verdicte vntuly giuen, whereunto they of the petit Iurie shall haue none answer if they be the same personnes, and the writte proces retorne and assignement good and lawfull, excepte that the demaundant or pleintife in the same Atteint hath afore ben nonsute or discontinued his sute of atteinte taken for the same, or hath for the same verdicte in a writte of atteint had iudgement against the sayd petite iurie, but onely that they made true serement, which issue shalbe tryed by xxiiij. of the sayd graunde iurie, and the party shall pleade, that they gaue true verdicte, or any other matter, which shalbe a sufficiente Barre of the sayde atteint. And that plee not withstanding the graunde iurpe to be taken without delay to enquire whether the first iurie gaue true verdicte or no.

And if they finde that the sayd petite iurie gaue an vnture verdicte, the euery of the sayd petite iurie to forsaite xx. li. whereof the one halfe shall be to the kinge oure souerayne lord, & the other halfe to the party that sueth. And ouer that, that euery of the sayde petite iury shall severally make fine and raunsome by the discrecion of the Iustices, before whom y^e sayde false serement shalbe found after theyr severall offences defaultes and sufficiency of euery of the sayd petite Iurie. And after that, that those of the sayde petite iurie so atteynted shall neuer after be in any credence, nor theyr othe accepted in any courte. And if such plee as the party pleadeth, which is a Barre of the said atteynt, bee founde or deemed agaynst hym that so pleadeth, than the party that so sueth shall haue iudgement to be restored to y^e he lost with hyr reasonable costes and damages.

Foreseene alway that any vtlary in action or cause personall, or commengement pleaded or alledged in y^e party pleintife or demaundant shalbe taken but as voyde plee, and to that hee shall not be put to answer. And that in all the aforesayd proces such daye shall be giuen as in a writ of *Wotwer*, and none *essoine* or protection to lie nor to bee allowed in the same. And if the said graund iurie appere not vppon the first distres had against them, so that the iurie for theyr default do remaine, he that maketh default shall forsaite to the king xx. s. and vppon the seconde distres xl. s. and after making default for euery such default v. li. And like penalties and forsaitures to be agaynst them and euery of them that shall be named in the Tales, as is afore expresse against euery of the sayd graund Iurie aforesaide. And that for and by the death of the party or any of the sayd petite iurie, the said attainte shall not abate nor be deferred agaynst the remnant, as longe as two of the sayd petite iurie be aliue.

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And if here after any false verdict be geuen in any action suite or demande afore any Iustice or Iudge of recorde of any thinge personall, as debt, trespass and other lyke, which shall be vnder the value of .xl. li. that than the partye greued shall haue atteint with such proces and pleas as is afore rehearsed, and delaies to be taken away as is afore remembred: excepte that in this case of atteint euery person of the graunde iurie that may dispende .v. markes by the pere of freholde out of auncient demene, or is woorth an hundrede marke of goodes and cartels, shall be able to passe in the same atteint. And if the petit iurie be atteinted, that the they shall in this case of atteint euery of them to forsayt .v. li. wherof one halfe shall be to the kyng, and the other half to the party, after the forme afore rehearsed, & ouer that to make fine and raunsome by the discrecion of the Iustices, as is afore said.

And if there be not persons of suche sufficiencie within the shire or place where any of the said atteintes shall be taken, as may passe in the same: be it ordeined by the auctorite abouesayd, that then one Tales shall be awarded into the shire nexte adioynninge by the discrecion of the Iustices, afore whom the same atteintes shall be taken, which shall be warned to appere by the like peines as is afore sayd, and enabled to passe in the sayd atteintes, as if they were dwelling in the shire, where the same atteint shall be taken. And that the same lawes, action and remedie ordeined by this present act be kept for and to all them that shall be greued by such vntreue verdictes of any inheritance, in discent reuercion remaindre, or of any freholde in reuercion or remaindre. And if the partye in atteint giuen by this acte be nonsuite, or the same discontinue, that then the same partye so nonsuite or so discontinuing the sayd atteint make fine and raunsome by the discrecion of the Iustices afore whome the sayd atteint shall be taken and dependinge.

And that all atteintes hereafter to be taken, shall be taken afore the king in his bench, or afore the Iustices of the common place and in none other courtes. And that full prius shall be graunted by discrecion of the Iustices vpon the distres, and euery of the sayde petit iury may appere & answer by attourney in the sayde atteint: And that the moite of the sayd forfeiture of the petite iurie shall be leuied to thuse of our soueraigne lord by Capias ad satisfaciend. or fieri fac. or Elegit, or by action of debt against euery person of the petit iurie so forsaite, and agaynst his executours & administratours hauing thā sufficient goodes of their sayd testatour not administrad and the other moite shall by lyke processe be leuied to the vse of the party that sueth any atteint geuen by this acte against euery of the sayde petite iurie and his executours or administratours, hauinge than sufficiencie of goodes as is afore sayd not administrad: and the iudgement of restitution to the partie greued suing this acte & execution of the same to be had, & lyke iudgement for the party defendant or tenat to be discharged of restitution, as afore this present act in case of a grand atteint hath bene bled. and if there be diuers plaintifes or Demandantes in atteint, that the nonsuite or relese

of any of them shall not be in any wise hurtfull or prejudiciall to y^e residue, but that they and euery of them in such cases maye be som. and secured like as it is v^lsed whan there by diuers Demandantes in actions reall.

Be it also ordeyned & enacted by auctorite abouesayd, y^e in euery writte of attein hereafter to be takē by or vpon this acte, the which shall be such as other writtes of attein be, and after the Teste of the same writt shall be written these wordes in latin: Per statut. continuat. vsq; annū vicesimū tertium domini Henr. octauī dei gratia Angliæ & Frāc. regis, fidei defens. & domini Hiber.

And it is also enacted, that this acte shall take effecte for verdictes hereafter to be geuen and to continue to the last day of the next parliament.

Provided alwaye, that this acte be not prejudiciall to a statute made in the xi. yere of the late kyng of famous memory Henry the. vij. for punishment of perjury in vnttrue verdictes geuen in plaintes sued in the courtis of the citie of London, but that it shall be at the libertie of all persons for y^e vpon any vnttrue verdict geuen in any courts of the same citie, to sue their attein vpon this statute, or els vpon the sayd estatute made in the sayd yere at their owne pleasures and willes.

¶ An acte that no brewers of bere or ale shall make their barrells kilderkins nor firkins within the, & howe much the same barrells kilderkins and firkins shall contene. Cap. iiii.



Here the ale brewers and beere brewers of thys realme of Englande haue v^lsed & dayly do vse for their owne singuler lucre profit and gaine, to make in their owne houses thes barrells, kilderkins & fyrkins of much lesse quantity, content, rate and assyle than they ought to be, to the great hurt, prejudice and damage of the kinges liege people, and contrarie to diuers actes, statutes, auncient lawes & customes heretofore made had & v^lsed and to the destruction of the pooze craft or mistery of coupers. For reformation wherof be it enacted by the kinge our soueraigne lord, y^e lordes spirituall and tempozall, and the commons in thys presente parliament assembled, and by auctorite of y^e same, that no beere brewer nor ale brewer, that shall brew to sale bere or ale shall from hencefoorth occupie by him selfe, nor by any other to his vse in his house nor els where the mistery or crafte of coupers, nor make any barrells, kilderkins, fyrkins or other vessels by him selfe, nor by thes owne seruantes, wherby they shall put thes beere or ale to sale, but that all such barrells kilderkins and other vessels of woode, wherewith they shall put thes beere or ale to sale, shall from hencefoorth be made and marked accordinge as hereafter shall be expressed by the comon artificers of coupers exercised & practised in the sayd occupation, vpon peine to forsayte & pay for euery such barrell, kilderkin, fyrkin or other vessel, hereafter to be made contrary to y^e tenor of this acte. iij. s. iiii. d. And

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And be it also enacted, that every artificer of the craft or mystery of coupers, that will exercise or practise to make any of the sayde vessels for beere or ale to be put to sale, shall make the same vessels and euerye of them of good and seasonable woode, and put his propre marke vppon euerye of the

And that euery barrell for beere shall containe xxxvj. gallons, euery kilderkin for beere. xviij. gallons, and euery fyrkin for beere nyne gallons of the kinges standerd gallon. And that euerye barrell for ale shall conteyne xxxij. gallons, euery kilderkin for ale xvi. gallons, and euerye firkin for ale viij. gallons of the kynges standerd gallon. So that they shall be of good and iuste measure, or els aboue and not vnder. And that no couper shall make any other vessell for bere or ale to be solde within this realme of any greater or lesser numbze of gallons than is abouesayde, onlesse he shall cause to be marked vpon euery such vessell, that he shall so make of greater or lesser nombze of gallons, the true and certaine, nombze of as many gallons as euery such other vessell shall containe, to thintent that euery person maye knowe the content thereof.

And that no such artificer of coupers shall enhaunte the prices of anye such barrells, kilderkins, fyrkins or other vessels in the sale of them to any ale byewer or bere byewer or other person, but kepe the rates of such prices as hereafter ensueth, and not aboue vpon peine to forfeite for enery barrell kilderkin and firkin defectiue or enhaunced in price in any point contrary to this acte. iij s. iij d. That is to say, for euery bere barrell. ix. d. for euery beere kilderkin. v. d. and for euerye beere fyrkin. iij. d. And the ale barrell. xvi. d. and the ale kilderkin. ix. d. and the ale fyrkin. v. d.

And be it further enacted by the sayde auctorite, that no bere byewer or ale byewer at any time after the feast of Lammes nowe next comminge shall put their bere or ale to sale to anye person or persons to be spent and occupied within this realme in anye other barrells, kilderkins, fyrkins, or other vessels of woode, other then shall be made and marked by an artificer of coupers abouesayde whereof euery barrell for bere shall containe and holde. xxxvj. gallons, euery halfe barrell or kilderkin. xviij. gallons, and euery fyrkin. ix. gallons. And euery barrell for ale shall conteyne. xxxij. gallons, euery kilderkin. xvi. gallons, and euery firkin. viij. gallons of full and iuste measure or aboue, & not vnder that measure. And that euery bere byewer and ale byewer shall not take ouer and aboue for euery such barrell, kilderkin or fyrkin of ale and beere, but after such prices and rates as shall bee thoughte conuenient and sufficient by the dyscreacions of the Iustices of peace within euery shyre, where such beere byewer & ale byewer shall dwell without any city bozoughe or towne corporat, where no head officers, as Mayres, Bayliffes, Shyreffes, and other head officers haue none auctorite nor rule, & in euery cite, bozoughe and towne where there be Mayres, Shyreffes or other head officers, the same rates & prices to be named and celled by them and euery of them by theyr discreacions. And that the sayde

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ale biewers or bere biewers at any time hereafter shall not selle theye beere
nor ale at anye higher rates or prices than shall be to them assigned after
fourteine aboue rehearsed, vpon peine to lose and forsaite for euerye barrell so
put to sale contrary to this estatute. viij. s. for euery halfe barrell or kilderkin
iij. s. iiii. d. and for euery fykin. ij. s. and for euery vessell conteynng greater
numbre of gallons. x. s. and for euery other vessell conteining lesser numbre
of gallons. xij. d. The one halfe of all the whiche penalties and forsaitures
to be to the kinge our soueraygne lord, and the other halfe to him that will
sue for the same, by action of debt, byll, plainte or informacion in any of the
kinges courts, in which action and suite the defendant shall not wage his
latwe, nor any essoyne, protection, or priuilege to be admitted.

Be it also further enacted by the sayde auctorite, that all maner of sops
makers within this realme of Englande, which shall put to sale any sop
by barrell halfe barrell fykin or other vessell, shall from Lammas now next
comyng make or cause to be made their bartells halfe bartells fykins and
other vessells accordeinge to the rates, contetes, weightes and assises of olde
time vsed and accustomed, that is to saye, euery empty barrell to hold and
conteigne. xxxij. gallons or aboue, and to be in weyght. xxvj. poundes, and
not aboue of full and iust measure: and euery halfe barrell empty to be in
weyght. xiiij. li. and not aboue, & to holde and conteine. xvj. gallons or aboue:
and euery fykin empty to weye. vij. poundes and an halfe and not aboue
and to holde and conteine. viij. gallons or aboue, vpon peine of forsaiture
for euery such barrell half barrell fykin or other vessell hereafter to be made
had or vsed contrary to this acte. iij. s. iiii. d.

And also be it enacted by the auctorite aforesayd, that the wardens of
thooccupaciō or mistery of coupers within the city of London from hence-
forth at all times hereafter whan they shall thinke couenient & expedient,
taking with them an officer of the mayres, shall haue full power and au-
thorite by vertue of thys acte, to search bytwe and gage all maner of such
barrelles, kilderkins, fykins and other vessells to be made or occupied for
ale here and sope to be put to sale within the city of London, and suburbs
of the same, and within two myles compas without the same suburbs, to
biewe, and see that y same barrelles, kilderkins, fykins and other vessells, as
wel within liberties as without, be made and marked wel and sufficiently,
and beare and conteine their true contetes, rates and measures accordeinge
to the effect of this statute: And also to marke euerye such barrell kilderkin
fykin and other vessell by them so biewed and gaged bearing and contey-
nyng their true contentes, with the signe & token of saint Antonies crosse.
The same wardens to haue for the search and gaging of euery such barrell
kilderkin, fykin and other vessell by them so serched, biewed, gaged & mar-
ked one fertyng, and not aboue, of the owners or makers of the sayd ves-
sels. And shall and maye haue auctorite by vertue of this acte to receyue
euery

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every such vessell as they shall so gage searche and marke, vnto suche tyme as they shalbe satisfied therof. And in case they shall fynde any of the sayd vessels defectiue, not bearynge theyr true contentes, that then by auctoritey of this acte they maye seale take and retayne every suche vessell, and cause the same to be marked or amended accordinge to the true contente or els cause the same to be brenned. And also the partie owner of such vessell to lose and forsaite for every such vessell not being of the full contentes after the rate aboue expressed xiiij. d. to be recouered and employde as is abovesayd.

And be it further enacted by the saide auctoritey, that in all other cities boroughs and townes, wherein no such wardens of coupers bee, that the mayors sheriffes bailiffes constables or other heade officers in such cities, boroughs and townes shall haue power and auctoritey to searche biewe & gauge all such barrells kylderkins spykings & other vessells to be made hereafter in any such citie borough or towne, and to haue and take all such auantage thereby and in like maner and fourme as the wardens of coupers wythin the city of London or other persons by this act should or may haue or take on euerye behalfe.

Provided alwayes, that every here biewer may keepe in his house one or two seruantes of the mistery or craft of coupers, to hooue and amende his barrells kylderkins spykings and other vessells, wherein they shall put theyr biewe to sale from tyme to tyme, this acte or any thing therein conteyned to the contrary in any wyse notwithstanding.

And be it further enacted by the saide auctoritey, that if any personne at any tyme after the sayde feast of Lanthmas next commynge, do mynthe or cause to be minished any maner of barrell kylderkin or spykin to the decrete of any the kinges subiectes by reason of taking out the heade of any such vessell, or taking out of any staffe oute or from any suche vessell, that than every such vessell to be biewte, and thoffendour to forsaite for every suche offence three s. iiii. d. the one moiety thereof, to bee to the kinge oure soueraigne lord, and the other moiety thereof to him or them of the kinges subiectes that will sue for the same, to bee recouered in maner and fourme aboue rehearsed. And the party so offending to be further punished by the discretion of the head officer or officers, befoze whom such defaulte shalbe presented.

It is enacted by the auctoritey of this present parliamente, that notwithstandinge any thinge conteyned in this acte of biewers and coupers, toherunto this Statute is annexed, it shal bee lawfull to euery alebiewer mencioned in the same acte, to haue and resayne in his seruice one personne of the mistery or craft of coupers, to exercise in his seruice the craft of a couper, onely in bindinge houpinge and pinninge his maysters ale vessells rected by the said acte, and in none other wyse to vse or exercise any makinge of vesselles concerninge the craft or mistery of a couper,

whyles that he is in the seruice of any alebriewer. Also it is enacted, that every couper, which hereafter shall make any ale vessel specified in the said acte, shall from the feast of Pentecost next commynge make every such vessel according to the assise specified in the treatise called *Compositio mensurarum*, that is to saye every barrel for ale conteyne xxxii. galons of y^e said assise or above, of the which viii. galons make the common bushel to be used in this realme of England, every kilderkin for ale xvi. galons of y^e said assise or above, and every firken eight gallōs of assise or above, vpon paine of forfaiture of 3 s. 4. d. for every of the same vessels by hym vntuly made contrary to this acte: the one halfe of the same forfaiture to be to the king, and thother to hym that wyll sue for the same by action of Det, bill, plainte writ or otherwyle, In which action none essoyne protection or waige of lawe shalbe allowed.

And be it also enacted, y^e every couper marke his vessel wyth his owne marke, vppon paine of 3 s. 4. d. to bee leuyed and recovered after lyke maner and fourme as is aboue sayd. And that no maner of person in y^e sayde makynge for the true gaugynge of any such vessels, shal put out the ale of any such vessel, whereby the same ale shalbe the worse. And that it shalbe lawfull to every ale brewer to brynge carye and cause to bee brought and caryed theyr ale to the householdes of oure soueraygne lord the kyng, the Queene, the princes, and to every archbishoppes, bishoppes, dukes, marquesses, Ecles, barons, or other honourable mens houses in tonnes, buttys, pyppes, hogesheades, or other vessels of greater or larger quantity than is expressed in this present acte, as before tyme hath ben used in that behalfe. And also it shalbe lawfull to the sayde alebriewers to brynge cary or cause to be brought conueyed or caryed theyr ale to every mans house in barrells kylderkins and fyxkens bearing and holdinge theyr true contentes accordyng to the purpote and effecte of this presente acte, any thing contayned in the same acte to the contrary hereof notwithstanding.

A generall acte concerninge commissions of sewers
to be dyrected in all parties wythin this
Realme. Cap. v.



Our soueraygne lord the kyng lyke a vertuous and moste gracious Prynce, nothing earthly so highly mayinge as the aduancynge of che common profite wealth and commoditie of this his realme, consyderynge the daily greate damages and losses, which haue happened in manye and dyuers parties, of this his sayde realme, as well by the reason of the outragious flowynge surges and course of the sea, in and vppon marth groundes and other lowe places heretofore throughe politike wyle domne toonne and made profitable for the great common wealth of this realme,

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as also by occasion of lande waters and other outragious springes in and vpon meadowes pastures and other lowe groundes adioyninge to ryuers fluddes, and other water courses: And ouer that by and through mylles myldammes weares fshgarthes kedels gores goates fludgates lockes and other impedimentes in and vppon the same ryuers and other water courses, to be inestimable damages of the common wealth of this realme, which daily is likely more and more to encrease, vnles speedie redyesse and remedie be in this behalfe shortly provided: wherein all be it that dyuers and many promissions haue been before this tyme made and ordayned, yet none of them are sufficient remedie for reformation of the premisses, hath therfore by deliberate aduyse and assente of his lordes spiritual and temporal, and also his louing commons in this present parliament assembled ordeyned established and enacted, that commissions of sewers and other the premisses shalbe directed in all parties wythin this realme from time to tyme, where & when neede shall require according to the maner fourme tenour and effect hereafter ensuinge, to such substantiall and indifferente persons as shall be named by the lord Chancellor and lord Treasorer of Englande, and the two chiefe Iustices for the time beinge, or by thre of them, wherof the lord Chauncellour to be one.

Henry the viij. Know ye that for as much as the walles ditches bankes gutters sewers gores calceies bridges streynes and other defences by the costes of the sea, and marthe ground being and lyeng wythin the lymittes of A. B. or C. in the county or countyes of

or in the borders or confines of the same, by rage of the sea, flowynge and reflowynge, and by meane of the trenches of fresh waters descendinge and haupng course by diuers wayes to the sea, be so dirupt lacerate and broke, And also the common passages of shippes balengers and boates in the riuers streames and other floudes wythin the lymittes of A. B. or C. in the county or countyes of

or in the borders or confines of the same by meane of settinge vpp, erecting and making of streames mylles bridges pondeges fshgarthes myldammes lockes hebbing weres hekes and fludgates, or other like lettes or impedimentes or annoyauces be letted or interrupted, So that great and inestimable damage for defaute of reparation of the sayde walles ditches bankes fenses sewers gootes gutters calceies bridges and streames, And also by meane of setting vpp erecting makynge and enlargynge of y sayd fshgarthes myldammes lockes hebbinge weares hekes fludgates and other like annoyances in tymes paste, hath happened, and yet is to bee feared, that farre greater hurt losse and damage is lyke to ensue, vnlesse that speedy remedie be poulded in that behalfe.

We therefore for that by reason of our dignity and prerogatiue royall wee be bound to provide for the safety and preseruacion of our realme of Englande, wpyllinge that speedy remedie bee had in the premisses, haue assigned

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you and sixe of you, of the which wee wyll that A. B. and C. shall be thre
to be our Iustices to suruey the said walles streames ditches banks gutters
sewers gotes calces bridges trenches milnes misdaimes fludgates ponds
locks hebbing weres and other impedimentes lettes and annoysances
aforesayd, and the same cause to be made corrected repayed amended put
downe or reformed, as case shall requyre after your wysdomes and discre-
tions, And therein as well ordeyne and doe after the fourme tenour and
effecte of all and singuler the estatutes and ordinaunces made before the
first day of March, in the xxiii. yere of our reigne, touching the premises or
any of them, as also to enquire by the othes of the honest and lawfull me-
of the sayde thre or thyes, place or places, where such defaultes or annoy-
sances be, as well wythin the libertyes as without (by whom the trouthe
may the rather be knowen) through whose default the sayd hurts and da-
mages haue happened, and who hath or holdeth anye laundes or tenemen-
tes or common of pasture or profite of fshinge, or hath or may haue any
hurt losse or disaduantage by any maner of meanes in the sayde places as
well nere the sayde daungers lettes and impedimentes, as inhabitinge or
dwelling there aboutes by the sayd walles ditches banks gutters gotes
sewers trenches and other the sayd impedimentes and annoysances. And
all those persons and euery of them to tare assesse charge distreine and pu-
nyshe as well wythin the metis, limittes and boundes of olde time ac-
customed or otherwyle as els where wythin our realme of Englande, after
the quantity of theyr landes tenementes and rentes by the number of a-
cres and perches, after the rate of euery persones porcion tenure or pro-
fite, or after the quantity of theyr commune of pasture or profite of fshing
or other commodities there by such wayes and meanes and in suche ma-
ner and fourme, as to you or sixe of you, whereof the sayde A. B. and C. to
be thre, shall seeme moste conuenient to be ordeyned and done for redres
and reformation to be had in the premises: And also to reforme repaye &
amende the sayde walles ditches banks gutters sewers gotes calces,
bridges streames and other the premises in all places needefull, and the
same as often and where neede shall be to make newe, And to clesse and
purge the trenches sewers and ditches in all places necessary, And further
to reforme amende prostrate and ouerthrowe all suche mylles, streames,
pundes, locks, fshgarthes, hebbing weares, and other impedimentes
and annoysances aforesayde, as shal be founde by inquisition or by your
surueying and discretions to be excessiue or hurtfull. And also to depute
and assigne diligent faythful and true keepers bayliffes surueyors colle-
ctours expenditours and other ministers and officers for the saunty con-
seruacion reparacion reformation and makinge of the premises and e-
uery of them, and to heare the accompte of the collectours and other mi-
nisters of and for the receite and layinge oute of the money that shal be le-
uyed and payde in and aboute the makinge repayinge reforminge and
amen-

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amending of the sayd walles ditches, bankes, gutters, gotes, sewers, calceis, bridges, streames, trenches, milles, pondes, lockes, fishgarthes, fludgates and other impedimentes, and anoyssaunces aforesaid. And to distreine for the arrerages of euery such collection tax or assesse as often as shalbe expediente, or otherwyle to punishe the dettours and deteyners of the same by fines amercciamentes paynes or other like meanes after your good discretions. And also to arrest and take as many cartes, hoxses, oren, beastes, and other instrumentes necessarye, and as many woorkemen and labourers as for the said woorkes and reparacion shall suffice, payinge for the same competent wages salarie and stipende in that behalfe: And also take suche and as many trees, woodes, vnderwoodes and timber and other necessaryes as for the same woorkes and reparacions shalbe sufficiente at a reasonable pyce by you or sixe of you, of the which wee will that A. B. & C. shalbe three to be assessed or limited as wel wythin the limittes and boundes aforesayde, as in any other place wythin the sayde county or countyes nere vnto the sayd places: and to make and ordeyne statutes ordinaunces and prouissions from time to time as the case shall require for the sauegarde, conseruacion, redges, correccion and reformation of the premisses and of euery of theym, and the parties lyinge to the same necessary and behouefull after the lawes and customes of Romney Marsh, in the countie of Kent, or otherwyle, by any wayes or meanes after your owne wysedomes and discretions. And to heare and determine all and singuler the premisses, as well at our suite as at the suite of any other whatsoeuer, complayning before you or sixe of you: wherof A. B. and C. shall be three, after the lawes & customes aforesayde, or otherwyle by any other wayes and meanes after your discretions. And also to make and directe all writtes preceptes, warrantes, or other commaundementes by vertue of these presentes, to all sheriffes, bayliffes, & all other mynisters, officers, & other personnes, as wel wythin libertyes as wythout, before you or sixe of you, wherof the said A. B. and C. to be three, at certayne dayes, termes, & places to be prefixed, to be returned and receyued. And further to continue the proces of the same, and finally to doe all and euerye thinge and thinges, as shal be requisite for the due execution of the premisses by all wayes and meanes after your discretions. And therfore we commaunde you that at certayne dayes and places, whan and where ye or sixe of you, wherof the sayd A. B. and C. to be three, shal thinke expediente, ye do suruey the sayd walles, fences, ditches, bankes, gutters, gotes, sewers, calceis, pondes, bridges, riuers, streames, water courses, milnes, lockes, trenches, fishgarthes, fludgates and other the lettes impedimentes and anoyssaunces aforesayd, and accomplishe fulfill heare and determine all and singuler the premisses in due fourme and to the effecte aforesayde, after your good discretions: And all such as ye shall finde negligent gainesayinge or rebelling in the sayde woorkes, reparacions or reformation of the premisses, or

negli-

negligent in the due execution of this our commission, that ye do compell them by distress fines and amerçiaments, or by other punishments waies or meanes, which to you or sice of you, whereof the sayd A. B. and C. shall be three, shall seeme most expedient for the speedie remedie redresse and reformation of the premisses and due execution of the same. And all such thynges as by you shalbe made and ordayned in this behalf, as wel wythin libertyes as wythout, that ye do cause the same fymely to be observed doing therein as to our Justices appertayneth after the lawes & statutes of this our realme and accordinge to your wysdomes and discretions. Saued alwayes to vs such fines and amerçiaments as to vs therof shal belonge. And we also commaunde our Sheriffe or Sheriffes of our said county or countyes of _____ that they shall cause to come before you or sice of you, of the which A. B. and C. shall be three, at such dayes and places as ye shall appoynte to them such and as many honest men of his or theyr bayliwick as wel wythin the libertyes as wythout, by whom the trouth may best be knowen, to enquire of the premisses. Commanding also al other mynisters and officers as well wythin liberty as wythout, that they and euery of them shalbe attendant to you in and aboute the due execution of this our commission. In witnes wherof we haue caused these our letters patentes to be made. Witnes our selfe at Westm. the _____ day of _____ in the _____ yere of our raigne.

And it is also enacted, that euery suche person as shalbe named Commissioner in the sayd Commission, after he hath knowledge thereof, shal effectually put his dilligence and attendance in and aboute the execution of the said commission. And before he shall take vppon him the execution of the sayd commission, he shall take a coyrzall othe before the Loyde Chaunceller, or before such to whom the sayd lord chaunceller shall direct the kinges writte of *Dedimus potestatem*, to take the same, or before the Justices of the peace in the quarter sessions holden in the shyre where such commission shalbe dyrected: the tenor of which othe hereafter ensueth. He shal sweare that you to your cunning witte and power shall truly and indifferently execute the auctorite to you giuen by this commission of *Ser*uours wythoute any fauour affection corruption dreade or malice to be borne to any maner of person or personnes: And as the case shal requyre ye shall consent & endeuour your selfe for your part to the best of your knowledge and power to the making of such holsome iust equall and indifferent lawes and ordinances, as shal be made and deuised by the most discrete & indifferent number of your felowes being in commission wyth you for the due redresse reformation and amendment of all and euery such thinges as are contayned and specified in the sayde commission: and the same lawes and ordinances to your cunnynge witte and power cause to be put in due execution, wythoute fauour meede dreade malice or affection, as God you helpe and all saintes.

And

HENRICI OCTAVI.

And it is also enacted by the auctorite aforesayde, that all and euery estate acte and ordinaunce heretofore made concerninge the premisses or any of them, as well in the tyme of oure soueraygne lord the kynge that now is, as in the tyme of any of his progenitours kinges of this realme of England, not beyng contrary to this present acte, nor heretofore repelled, from henceforth shal stande and be good and effectuell for ever, and to be put in due execution according to the true meaning and purportes of the same.

And ouer that be it enacted, that the commissioners hereafter to be named in any of the sayd commissions accordinge to the purporte and effect of the same commissions, haue full power and auctorite to make constitute and ordeyne lawes ordinaunces and decrees, and further to do all & euery thing mencioned in the sayd commission accordinge to the purporte effecte words and true meaning of the same, And the same lawes and ordinaunces so made to refozme repell & amende, and make new from time to time, as the cases necessary shal require in that behalfe.

Also provided alwayes & it is enacted, that if any person or persons beyng assessed or taxed to any lot or charge for any landes tenementes or hereditamentes wythin the limittes of any commission hereafter to be directed, do not pay the sayd lot and charge according to the ordenance and assignement of the commissioners, hauinge power of the execution of the sayd commission; by reason wherof it shal happen the sayd commissioners hauinge power of execution of suche commission, for lacke of paymente of such lotte and charge to decree and ordeine the same landes tenementes & hereditamentes from the owner or owners thereof and theyr heires and the heires of euery of them, to any person or persons for terme of yeares, terme of lyfe in fee simple or in taile for payment of the same lot and charge, that then euery such decree and ordinaunce so by them made ingrossed in parchment & certified, vnder theyr seales into the kinges Court of Chancerie, with the kinges royall assent had to the same, shal binde al and euery person and persons, that at the making of the same decree had any interest in suche landes, tenementes, or hereditamentes, in vse possession reuerfion or remainder theyr heires and feoffes and euery of them, & not to be in any wyse reformed vnles it bee by auctorite of parliamente after to be summoned and holden wythin this realme.

And also it is provided by auctorite aforesayd, that the same lawes, ordinaunces and decrees to be made and ordeined by the sayd commissioners or any of them by auctorite of the sayd commission shal binde as well the landes tenementes and hereditamentes of the king oure soueraigne lord as all and euery other person and persons and their heires for suche their interest as they shal fortune to haue or may haue in any landes tenementes, or hereditamentes or other casuall profite aduantage or commodity whatsoeuer they be, wherunto the said lawes ordinaunces and decrees shall

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shal in any wyse extende accordyng to the true purpoſe meaning and intent of the ſame lawes.

And it is furthermoze by the auctoryty aforeſayde eſtabliſhed and enacted, that if any maner of perſon or perſons of what eſtate or degree ſocuer he or they be of, that from henceforth doth take vpon him or them to ſit by vertue of any of the ſaid commiſſions, not being befoze ſwozne in ſourme as is aforeſaide, and accordyng to the tenour of the othe afore ſpecified: Or if any perſon ſo named and ſwozne do ſit as is afore ſayd not hauyng landes and tenementes or other hereditamentes in fee ſimple, fee taylor or for terme of lyfe to the clere perely value of xl. markes aboue al charges to his owne uſe, excepte he bee reſiant & free of any citey borough or towne corporate, and haue moueable ſubſtaunce of the cleare value of one hundred poundes, or els be learned in the lawes of this realme in and concerning the ſame, that is to ſaye admitted in one of the foure principall Iuries of courte for an vtter barreſter, ſhall forſayte fortie poundes for euery tyme that he ſhall attempte ſo to do: the one halfe thereof to be to our ſoueraine lord the kinge, and the other halfe thereof to the uſe of him or them that will ſue therefor by action of dette bill plaint or informacion in any of the kinges courtes: in which action or ſuite no wager of law ſhall be admitted, nor any eſſoyne or protection ſhalbe allowed. And if any action of treſpas or other ſuite ſhall happen to bee attempted againe any perſon or perſons for takinge of any diſtreſs or any other acte doyng by auctoryty of the commiſſion, or by auctoryty of any lawes or ordinaunces made by vertue of the ſayd commiſſion, the defendaunt or defendantes in any ſuch action ſhal and may make auowry conſaunce or iuſtification for the takinge of the ſame diſtreſs, or other acte doynge touching the premiſſes or any of them, alledging in ſuch aduourie conſaunce or iuſtification, that the ſaid diſtreſs treſpas or other acte, whereof the plaintife complayneth, was done by auctoryty of the commiſſion of Sewers for lotte or ſare aſſeſſed by the ſayde commiſſion, or for ſuche other acte or cauſe, as the ſayde defendante did by auctoryty of the ſame commiſſion and accordyng to the tenour purpoſe & effecte of this preſent acte made the xiii. yere of the raygne of oure ſoueraygne lord kyng Henry the eyght wythout any expreſſing or rehearſall of any other matter or circumſtaunce contayned in this preſente acte, or any commiſſion lawes ſtatutes or ordinaunces thereupon to be made, wherevpon the plaintife ſhalbe admitted to replie, that the defendante did take the ſayde diſtreſs or do any other acte or treſpas ſuppoſed in his declaration of his owne wrong without any ſuch cauſe alledged by the ſayd defendaunt, wherevpon the iſſue in euery ſuch action ſhalbe ioyned to be tryed by verdict of twelve menne, and not otherwyſe, as is accuſtomed in other perſonall actions. And vpon the tryall of that iſſue the whole matter to bee geuen on both parties in euidence accordyng to the very trouthe of the ſame.

And

HENRICI OCTAVI.

And after such issue tried for the defendant or non suite of the plaintiff after apparance, the same defendat to recouer treble damages by reason of hys wrongfull veracion in that behalfe with his costes also in that part susteined, and that to be assessed by y^e same iurie, or writ to enquire of damages, as the cause shall require.

And it is also enacted, that euery of the sayde commissioners shall haue and perceiue foure shillings for euery day that they shall take payne in the execution of this commission of Sewers, and one clerke by them to be assigned, iij. s. for euery day, of the rates, taxes, lottes and waynes that shall be assessed or losse by auctorite of the sayde commission, and to be leuiued and payed by their discretions. And that the sayde commissioners, or lixe of them shall haue power and auctorite to limit and assigne of y^e same rates, taxes lottes and waynes by their discreacions such reasonable summes of money to the sayde clerke for writynge of bookes and proces concerninge the premisses, & to the collectours, expeditours and such other as shall take payne in due execution of the sayd commission, as by the discretions of the sayd commissioners or vij. of them shall be thought reasonable.

Provided alwaie that whan soeuer and as often as such Commission, as is afoie limited, shall be made and directed to any person or persons for the reformation and amendement, of or in any of the premisses specified in the sayde commission within the fees, libertie or possession of the Duchye of Lancastre, that then such commissioners as shall execute any such commission shall be alwaies named and appointed by the discretio of the loide chauncelloz and loide Treasourer of Englande & the sayde two chiefe Justices of eyther bench, and the Chauncelloz of the sayde Duchye for the byrge, or three of them, wherof the sayde loide Chaunceller and the Chaunceller of y^e Duchy to be twoo. And that in in euery such case two commissions shall be awarded and accordinge to the tenour of the commission aboue expressed, one therof vnder the great seale of England, and the other vnder the seale of the same Duchye, as before time hath bene accustomed, any thinge afoie reherced in this present acte to the contrary hereof notwithstandinge.

And it is further enacted, that the sayde commissions from tunc to tunc, as the case shall requyre, shall be had and obteyned without any money or other charge to be payed for the seales or writynge of the same, onlesse it be to the kyng iij. vij. d. for the seale of euery commission, as hath bene accustomed: and for the writynge & enrolling of any one commission, v. s. & not aboue.

And it is further enacted, that euery commission to be made by auctorite of this acte shall endure & continue for terme of three yeres, nexte after the Teste of the commission. Neuerthelesse after any commission made and deuiered out of the kinges court of chauncerye, the kinges highnes shall alwaies

shall alwaies at his pleasure by his writ of Superſedias, out of his ſayd court of Chauncery, at any time diſcharge as well every ſuch commiſſioner every commiſſioner that ſhall be made or named by auctorite of this acte.

After which diſcharge the ſayd commiſſioners ſhall have no power or auctorite to procede in the execution of theſe commiſſion, nor in any thing by auctorite of this acte.

Provided alwaies, that ſuch lawes, actes, decrees and ordinaunces ſhall happen to be made by the ſayd commiſſioners according to the tenor of their commiſſion or by auctorite of this acte, ſhall ſtande good and effectuell and be put in due execution ſo longe time as their commiſſion endureth and no longer: Except the ſayd lawes and ordinaunces be made and ingroſſed in parchment, and certiſied vnder the ſeales of the ſayde commiſſioners into the kinges court of Chauncery and then the kinges royall aſſeſe be had to the ſame: any thinge contained in this preſent acte to the contrary hereof notwithstanding.

Provided alſo that whan ſo ever and as often as ſuch commiſſion as aforeſaied ſhall be made & directed to any perſon or perſons for & remacion and amendement of or in any of the premiesſes ſpecified in the ſayd commiſſion within the fees, liberties and poſſeſſions of the principallite of Wales, the countie palatine of Cheſtre, or within the fees, liberties and poſſeſſions of any other place, where there is libertie and iuriſdiction of countie palatine, that in every ſuch caſe two commiſſions ſhall be awarded and made according to the tenor of the commiſſion abone expreſſed, one thereof vnder the great ſeale of Englande, and the other vnder the vſuall ſeale of the countie palatine in maner and forme as is aboue provided for the Duchie of Lancastre, any thinge aforeſaied reherſed in this preſent acte to the contrary notwithstanding.

And it is provided & alſo enacted, that the royall aſſeſe limited to be had vnto the lawes and ordinaunces to be made by the ſayd commiſſioners, as is aforeſaied, ſhalbe certiſied into the ſayd court of Chauncery vnder the kinges priuy ſeale: And that there ſhall not any ſome of money be paid for the ſame priuy ſeale, but for & writing of the ſame certiſicat vnder the ſayde priuy ſeale ſhalbe payed to the writer thereof, ii. s. and not aboue nor other nor greater ſomme for any thing touching or concerning the ſame certiſicat vnder the ſame priuy ſeale.

Provided alwaies, that the chancellours and ſuch other as ſhall have the cuſtody of the ſeales of the ſayde principallite of Wales or the countie palatine of Cheſter, or within the fees, liberties and poſſeſſions of any other place, where there is libertie and iuriſdiction of countie palatine, by upon reaſonable requeſt, and bypon the ſyghte of the commiſſion vnder the kinges great ſeale of his Chauncery, ſhall without delay make out another commiſſion vnder the ſeale of the ſayde countie palatine according to the tenor of the kinges commiſſion to them ſhewed vnder his great ſeale.

HENRICI OCTAVI

And to those commissioners as shall be named by the lord Chancellor, lord Treasurer, and the two chief Justices, or three by of them, wherof the lord Chancellor to be one, except it be within the fees and liberties of the duchye of Lancaster, within whiche fees and liberties the commissioners shall be named and commissions made, as is afore ordeyned by thys acte, any thyng conteyned in the sayde acte, or in any prouiso thereunto added and annexed to the contrarie thereof notwithstandinge. Thys acte to endure for .xx. yeares.

¶ An acte concerninge before whom recognisances of debtes shalbe made, and the fourme of the obligation. Cap. vij.



Or as much as the mayres of the Staple in dyuers places of thys realme, where anye Staple is keppe, in the presence of the constables of the same Staple before this time haue and might lawfully take recognisaunce or knowledge for debtes, onelye concerninge and touchynge the marchaundise of the same Staple, betwixte marchaunte and marchante of the same Staple, accordinge to diuers lawdable estatutes and prouisions before this tyme had ordeyned and made. Which Mayres and Constables manye and sundrye tymes since the makinge of the same estatute haue taken dyuers recognisances and knowledges of diuers of the kinges subiectes for debtes, surmisyng the same knowledge or recognisaunce to be made for suretie of paiement of summes of money for suche wares as were or beene boughte in the same Staple: whereof trowth the same recognisaunce byd not in any wise touche or concerne the marchaundise of the same, ne also the parties, that is to saie the cognisor ne the cogniser, that did knowledg and take the same recognisances, were marchantes of the same Staple: whiche recognisances and knowledges taken in fourme afore sayd are not onely clere contrary to the trewe meaninge and intente of the same former estatutes, but also thereby diuers great and sundry inconueniences damages and deceytes do daylye rise and growe to diuers of the subiectes of our soueraigne lord the king, by reason of the misusynge of the same. And for as muche as the kynges highnes of his most high wysdome perceiueth the misusynge and execucio of the same to be contrary to the foryne of the sayd former estatutes: Therefore his pleasure is, that some true lawfull and reasonable bond for surety of paiement of the sayd debtes of his subiectes shall be made and deuised by trewe and iust meanes, whiche in it selfe may and shall purpoynt, right and equite and also consonant to reason.

In consideration wherof, by thassent of the kinges highnes, his lordes spryтуall and tempozall, and his commons in thys presente parliamente assembled, and by auctorite of the same, it is enacted, ordeyned and stablished, that from the fyrst day of Aprill nexte comming the thiefe Justice

of the kynges benche and the chiefe Justice of the common place, whiche now be or at any tyme hereafter shall be, and euery of theym by him selfe, and in their absence out of the terme & maire of the staple at westminster and the recorder of the city of London for y time beyng ioynly togethers by his or their discretions shall haue full power and auctorite to take recognisances or knowledges of euery of the kynges subiectes for the payment of debtes accordinge to such forme as hereafter ensueth.

¶ Nouerint vniuersi per præfēt. me A. B. & D. C. armig. teneri & firmiter obligari Johanni at Style in C. li. sterling. soluend. eidem Johanni aut suo cert. attornat. hoc scriptum ostend. hered. vel execut. suis in tal. fest &c. proxi. futur. post dat. præsentium. Et si defecero vel defecerimus in solutione debiti. prædicti volo & concedo, vel sic, volumus & cedimus. quod tunc currat super me hered. & executores meos, vel super nos & quilibet nostrum hered. & execut. nostros poena in statuto Stapulæ de debiti. pro marchandis in eadem emptis recuperand. ordinat. & prouif. Dat. tal. die Anno regni regis. &c.

And that euery obligation that shall be made, as is aforesayde, and knowledged before any of the sayde chiefe Justices, or the sayd mayre and recorder accordynge to this acte, shall be sealed with the seal of the party or parties, that shall recognise or knowledge the same, and also with such seal as the kynges highnes shall ordeyne and appointe for the same, and with the seal of one such of the sayde Justices, or with the seales of y sayd mayre and recorder, & with his or their name or names subscribed, that so shall take the same recognisance or knowledge. And that euery of the sayde two Justices, and the sayde mayre and recorder shall haue the custodie of one such seal by the kynges highnes to be appointed, with one lyke pryncipt scripture and facion, which shall seuerally remaine with them to thentent aboue reherfed.

And further be it enacted by y auctorite aforesayde, that such an honest and discrete person, as shall be assigned by the kynges highnes, or the sufficient deputy or deputies of the same person so to be assigned, shall make & write all such obligations, as shall be knowledged and recognised by auctorite of this acte, and shall cause the same obligations recognised & knowledged in forme as is abouesayd, to be enrolled in two seuerall rolles indited, whereof one shall remaine with such of the sayde Justices or with the sayd mayres and recorder, that so shall take the same recognisance in forme aforesayd, and the other rol with the writer therof, appointed for the same. And that the laide person by the kynges highnes to be appointed for making wryting and enrollinge suche obligations, or his sufficient deputy or deputies shall be dwelling or abyding in the sayd Citty of London, bypon payne to forsayte for euery tyme that he and his deputie shall be absente by the space of two dayes, ten poundes.

And further it is enacted by auctorite aforesayd, that the sayde person so to be assigned by the kynges highnes to write make and enroll suche obligations

HENRICI OCTAVI.

gracious of his sufficient Deputy or Deputies, at the request of þe credifours they executours or administratours shall certify such obligacions as shal be taken and recognifed by auctoryty of this act, into the kinges courtte of Chancery vnder the seale of the sayd person so to be appointed for writting making & enrolling such obligaciōs. And þe every person & persons, to who any such obligacion shalbe made knowledged & enrolled (as is aforesayd) they executours & administratours, and þe executours & administratours of every of them for default of paymēt of the dettes cōteyned in such obligacions shal have in every point degre & condicion against the said recognifors and recognifors and every of them, they heires executours & administratours, & the heires executours & administratours of every of them like proces execution commodity & aduantage in every behalfe, as hath bene used and accustomed before this time to be had done or made of and vpon any obligacion of the statute of the Staple, and vnder suche maner and forme as is for the same statute of the Staple provided, paying for such proces and execution to be had suche like fees as is accustomed for proces and execution to be had vpon obligacions of the same statute of the Staple and not aboue. And that every suche person and personnes that shal be bounden or otherwise greued by vertue of any obligacion to be made by auctoryty of this acte, shal haue theyr lyke remedy by Audita querela, & al other remedies in the law, that they mought haue had, in case they had ben bounden by obligacion of the statute of the Staple. And that every such person and persons that shal haue proces for execution to be had by reason of any suche obligacion to be made and knowledged accordinge to this acte, shal paye to the kinges highnes, his heires or successours at the tyme of ensealinge of the proces for execution to be had, one halfe peny for every pounde that shalbe conteyned in the obligacion, whereof execution shalbe requyred and not aboue. And that every such person and personnes that shal happen to haue any execution of any landes tenementes or hereditaments by reason of any such obligacions to be made and knowledged (as is abovesaide) they executours administratours or assignes, and the executours administratours and assignes of every of them, if they or anye of them ben put out or dysseysed, shal haue like remedy in every point and condicion as persons hauing execution in and vpon any statute of the Staple, after execution to them had, may or might haue by vertue of the sayd wyrtting obligatoiry of the statute of the Staple and execution of the same.

And further bee it enacted by the auctorytye aforesayde, that euerye of the sayde Justices and the sayde Mayre and Recorder, before whom anye such obligacions shalbe recognifed, shal take for euery knowledge of euery one suche recognifsaunce iii s. iiii. d. and not aboue: And the cleerke that shal write make and enroll the same obligacions iii s. iiii. d. And for the Certificate of every one such obligacion xx. d. And if any of the sayd Justices, Mayre, Recorder, or cleerke take of any of the kings subiecs

tes above the somme or sommes to them limited by this statute: and the sayd Justices Hayre, Recorder or cleerke, & so shall take contrary to forme aforesayd, shall forsayte for every time so offending fouretye pounds.

And further it is enacted by the auctorite aforesayd, that from the firste daye of Aprill no mayre or constable of any Staple, for the payment of any summe or summes of money take any knowledge or recognisance of the sayde statute of the staple, of any of the kinges subiectes, who come to forsaite for every time so offending xli. li. The one moiety of all and the other the sayd penalties to be to the kinges highnes, and the other moiety to the partye that will sue for the same. For the recovery wherof the party that will pursue shall have his remedy by informacion, action of Debt, or plainte in any of the kinges courttes: in which no essoine protection or wager of lawe shalbe admitted.

Provided alway, that this acte nor any thinge therein conteyned be in any wise prejudiciall or hurtfull to any mayre and constables of the staple for anye bonde or wyptynge of the statute of the Staple to be taken or received betweene marchauntes being free of the same Staple, for merchandise of the same Staple betweene them lawfully bought and solde.

Provided also and be it enacted by thautorite aforesayde, that all recognisances before this time taken before the Hayre & constables of any of the sayd staples, wherof the sommes nowe be not payde or otherwys contented lawfully auoyded or discharged by the law, shal be as good & effectual as though they had ben herely made for marchandise of the same Staple asid betweene marchaunt and marchant of the same Staple, and as they should have bene, if this acte had neuer ben had ne made.

C In acte that the statutes made for the maintenaunce of the same of this realme shall stande in full strength, and howe Gascoine and Frenche wynes shalbe brought in, and the same and other wynes solde. Cap. vii.



Here for the maintenaunce and good continuance of the same of this realme of Englad it was ordained and enacted by a statute made in the v. yere of the reigne of the righte noble kinge Richard the second, that none of the kinges liege people should shippe marchandise in any other shippe than in an Englishe shippe, upon payne of forsayture of the saide marchandise so shipped. And after that by another statute made in the vi. yere of the saide noble king it was enacted, that for defaute of Englishe shippes every man might ship their marchandise in strangers shippes. And after that at a parliamente holden at Westmin. in the 4. yere of the late noble kinge of famous memoire kinge Henry the vij. it was ordeyned and enacted, that no person should carie or bringe anye wyne of Gascoine or Guyon or Toloos &c into Englands

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wales, Irelande, Calice, or the marches therof, or Barwike, but all only in shippes of England wales, Ireland, Calice or the marches therof or Barwike: And that the maister & mariners of the same shippes for the moste part of them should be of the same countreies, vpon payne of forfaiture of hys sayd wyne & Ode, as by the sayd good estatutes more at large is expessed. And not withstandinge the sayd good estatutes, yet neuerthelesse the Hauie of this realme, and the multitude of the shippes of the same, whiche tofore this time hath bene not onely a great defence & surety to this realme of England in time of warre, but also a high commodity to all hys subiectes of the same for trasportinge and conueyance of marchandises in and from this realme, is now meruailously decayed and empayed: and by occasion thereof a greate multitude of the kynges liege people, whiche were maisters and mariners of shippes, and by the exercise thereof they theyr wyues and children had theyr liuinge, be now mynished and empoueryshed insuche wyse, that within fewe yeares there shall be fewe englyshe men that shall be experte in the seas, to the great peryll of this realme and decaie of the people of the same, if remedie be not prouided in this behalfe. In consideration wherof the kynges moste toyall maiestye, of hys moste excellent goodnes, hauinge tender respecte to the reformation of the premises, is contented and pleased, that it be enacted by hys hyghnes, and the lordes spirituall and tempozall, and the commons in this present parliament assembled, and by auctorite of the same, that the sayde estatutes and euery thinge in them containede shall stande in their full strength force and effecte, so that from hencefoorth no person shall attempte to dooe contrary to the tenours of any of the sayd estatutes, vpon the paynes conteyned in the same.

And it is further enacted by auctorite aforesayde, that no maner of person or persons shall discharge and laye on lande out of any shipp or shippes, or other vessell or vessels any wyne of Gascogne or Guyon, or any maner of frenche wyne at any haven port creeke or other place within this realme of Englande, Irelande, wales or the marches of the same at any time hereafter betwene the feastes of saint Michael the archangell & the purification of our Ladie, vpon paine of forfaiture of the sayde wyne so brought in & discharged & layde on lande at any time hereafter betwene the sayd feastes contrary to this acte. The one halfe of which forfaiture to be to the kyng our soueraigne lord, & the other halfe therof to such of the kynges subiectes as shall lease or sue for the same by action detinue or debte after the rate of the value therof by originall writ, bill, plainte or informacion in any of the kynges courtes. In which actions and suites the defendante shall not be admitted to wage his lawe, nor any protection or essoin shalbe allowed.

And it is further enacted by auctorite aforesayd, that no person after the feast of the purification of our lady, which shall be in the yere of our lord god. M. D. xxiiij. shall sell by retayle any of the sayde wyne above. biiij.

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the gallon, that is to say a peny the pinte, two pence the quart, foure pence the pottell, and eight pence the gallon, bypon peine of forsaiture for euery pinte to be solde aboute the sayde pryce. iij. d. and for euery quartre solde aboute the sayd pryce. viij. d. and for euery pottell so solde aboute the sayd pryce. xij. d. and for euery gallon so solde aboute the sayde pryce afoze limited. iij. s. And that no malinseis, Romeneis, sackes nor other swete wyngs, after the sayde feast shall be retepied aboute. xij. d. the gallon. vi. d. y potell. iij. d. the quart and. j. d. ob the pint, bypon peine to lose and forsaite. iij. s. iij. d. for euery gallon. xx. d. for euery pottell. xij. d. for euery quartre, and vi. d. for euery pinte that shal be solde contrary to this acte.

Provided alwaye that the lord Chancellor, lord Treasurer, lord president of the kinges most honorable counsaile, lord priuie seale, and the iiij. chiefe Justices of either benche, or. v. iij. or iij. of them, shall haue power & auctoryty by theyr discretions to set the prices of all kinde of wynges, that is to say of the prices of the butte, tonne, pyper, hoggehead, poncheon, teers, barrrell or ronblet whan it shall be solde in grosse, so that they or thye of them cause the prices by them sette to be wyrtten, and open proclamation therof to be made in the kings court of Chancery openly in the terme time or els in the city, bozowe or towne where any suche wynges shall be solde in grosse, any thinge conteyned in this acte to the contrary hereof notwithstandinge.

And it is further enacted, that yf any person or persons after suche prices be set and put in wyrttinge by the sayd lord Chancellor, lord Treasurer, lord president of the kinges most honorable counsaile, lord priuie seale, and the two chiefe Justices, or by. 5. 4. or 3. of theym, and proclamation therof had as is afozesayde, do sell any wynges in grosse by any fraude or conuine contrarye to the sayde prices so set and proclaymed, that than euery offender in that behalfe shall lose and forsaite for euery vessel by them solde in grosse contrary to the sayde prices. xl. s. The one halfe of all whiche forsaitures to be to the king our soueraygne lord, and the other halfe thereof, yf it be within any cite, bozowe or towne corporate, to be to y Magystris Shiriffes, Bayliffes or other headrulers of suche cities, bozowes or townes corporate: and if it be without cite, bozowe or towne corporate, than to be to such of y kinges subiectes as wyll sue for the same. And that euery such forsaiture shall be recovered by original writ of Debte, byll playnt or information. In which suite no wager of lawe shalbe admitted nor any protection or esoyne allowed.

And it is also enacted, that the Justices of peace in euery shire of thys presente realme, and all mayres, shiriffes, bayliffes and other head officers in cities, bozowes and townes corporate, that is to saie euery of them within the limites of thier commissions and auctoryties, as well within franchises as without, shall haue power & auctoryty to examine here in quire and determine the defaultes of suche as shall attempte to sell any wynges

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in grosse or by retayle contrary to this acte: And to punishe the offenders by imprisonment or otherwise by their discretions.

Provided alwaye that yf it fortune any shippe or shippes, vessell, or vessels laded with sayde y wines of Gascoine or Guien or french wyres at any time hereafter to come to any porte, creke or haven within this realme of Englande, Irelande, Wales, or the marches of the same betweene the sayd feastes of saynt Michaell the archangell, and the purification of our lady, and than the vessels containing the sayd wines, or the shippe or other vessell or vessels bearing the same, happen to fall in leke, that than it shall be lawfull to the owner or byngers therof, at all times betweene the sayde feastes, to discharge the sayde wyres out of any such ship vessell or vessels for the savinge of them. So that the sayde owner or owners of the sayde wines, so discharging the same, make no sale or other utterance of them at any time betweene the sayde feast of saint Michaell and the sayd feast of y purification of our lady, any thinge contained in this acte to the contrarye hereof notwithstandinge.

And where as in the parliament holden at westm in the firste yeare of the reygne of kynge Rycharde the thirde, amonge other thinges it was established, ordeyned and enacted, that every tonne of wyne shoulde contene .ccc. li. gallons, every butte of malmesie shoulde contene .ccc. vi. gallons every pype .ccc. vi. gallons, every tertian or poncheon .lxxiii. gallons, every hoggeshead .lxxiii. gallons, every teerce .c. li. galons; and every barrell .ccc. galons and di, and every rondlette, .cvi. galons and di: And that no vessell should be put to sale till it were gauged, vpon payne of forfaiture, as by y same estatute it doth appere more at large. Nowtherlesse great discreite is daily vled in sellinge of wyres and oyle in caskes and vessels not bearinge the contentes aboue limited to y great losse of the kings pooze subiectes. For remedy whereof be it enacted by the auctorite of this presente parliamente, that the sayde estatute made in the first yere of kinge Rycharde the thirde, and all other estatutes heretofore made for true gauging and measures of wyres, oyles, hony, or anye other licours, which estatutes before this time be not repelled nor expired, shall stande in theyr strength and vertue and be put in due execution accordinge to their tenors and effectes in every behalfe.

And ouer that be it enacted by auctorite of this present parliamente, y every gaugeour wythin this realme shall truly and effectually wythin the limittes of his office gauge all the sayde tonnes, buttes pipes, terces, poncheons, tertians, barrells, hoggesheades and rondlettes, and shall plainly & truly marke vppon the head of every suche vessell the contente of the same, vppon payne to forfaiture to the party, to whose vse the wyne, oyle, or other thinge therein beinge, shalbe solde, foure times the value of that, that the vessell so marked shall lacke of his lawfull contente aboue wyrtten. The same forfaiture to be recouered ouer and besydes the costes of the suite by the

the kynges oꝝyginall writ, oꝝ by byll in any of the kynges courtes of bys common lawes, oꝝ in any competente couerte haupnge iurisdiction in the place, where that offence shall be committed, by action oꝝ bill of debte in whiche action oꝝ suite none essoine, protection, noꝝ wager of lawe shall be accepted, admitted, oꝝ allowed to the defendante oꝝ defendantes. And that euery marchant oꝝ other person sellinge the sayde wyne, oyle oꝝ other thinge conteyned in the sayd vessell marked, shall allowe of the pryce thereof to the bier of the same for euery quantytye of wyne, oyle oꝝ other thinge conteyned in the sayde marked vessells, the full value of the lacke thereof, beinge by reason of defaulte of full gauge of the vessell, marked, oꝝ of defaulte of fyllynge the same vessell oꝝ by reason of defaulte of any of them after the rate of the hole pryce of the wyne, oyle, oꝝ other thyng so beinge solde by that vessell marked. And that vpon peine of forsfayture to the same bier the double value of y same vessell and wyne, oyle oꝝ other thinge therein beinge solde, the same forsfayture to be recouered together with the costes of the sute in maner and fourme as the forsfayture last before writt is limited to be recouered. This acte to continue vnto the laste daye of the next parliament.

An acte concerning the amendinge and maintenance of the hauens and portes of Plimmouth, Dartmouth, Teingmouth, Falmouth and fowey in the countyes of Devonshire and Cornewall

PItedously sheweth and complaineth vnto the kinge our soveraigne lord, and to the lordes spirituall and temporall, and the commons in this present parliament assembled, the inhabitauntes of the towne and portes of Plimmouth, Dartmouth and Teingmouth in the countye of Devonshire, Falmouth and fowey in the countye of Cornewall that where the sayd portes haue ben in time past the principall and moſte comodious hauens and portes within this realme for the rode surety and preseruacion of shippes resorting from all places of the worlde as well in perill of stormes as otherwise. For where before this time all manner of shippes beinge vnder the portage of .viij. C. tonnes, resortinge vnto anye of the sayde portes oꝝ hauens might at the lowe water easely entre into the same, and there lye in suretye what winde oꝝ tempest so euer dyd blowe. By reason wherof not onely a greate multitude of shippes, as well of this realme as of other regions and countreies before this tyme haue bene preserued and saued, but also in time of warre the sayd hauens and portes haue bene the greatest fortification and defence of that part of this realme and the speciall preseruacion of the greate parte of the Realme of the same: whiche sayde portes and hauens bene at this presente time in

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maner hitseipe decaide a destroyed by meane of certaine tinne woorkes, called Streame woorkes, bled by certaine persons wythin the sayde countyes, whiche persons more regardinge theyr owne priuate lucre than the common weale and surety of this realme, haue by workinge of the sayde streame woorkes digging, searching and washing of the same nere unto the freshe riuers, waters and lowe places, desendinge and comminge oute of the lande towards and into the sayde portes, and hauens to the sea; conueyed by the force of the sayd freshe riuers a marueylous greate quantite of sande, grauell, stone, rebell earth, slime, and filthe in the sayd portes and hauens, and haue so siled and chooked the same, that wher before this time a shippe of the portage of viii. C. as is aforesayde, mighte haue easly entered at a low water into the same, now a shippe of a hundred canscarpe enter at the halfe flood, to the decaie and bitter destruction of the sayde hauens and portes, and also to the ruine and bitter vndoinge of all the good townes wythin the sayde countyes of Deuonshyre and Cornewall, if remedie be not in that case speedely provided. For reformation wherof bee it enacted by the kinge oure soueraigne lordes, the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctoritey of the same, that no person or personnes hereafter shall labour or woork, or cause to be laboured or wrought in any maner of tinne woorkes called Streame woorkes, within the said countyes of Deuonshyre or Cornewall, nigh to any of the sayde freshe waters, riuers, or lowe places descendinge or hauinge course vnto the sayde hauens or portes or any of theyn; nor shall labour, digge, or walhe any tinne in any of the sayd tinne woorkes called Streame woorkes, vntlesse the sayde digger, owoer, or washer, shall make or cause to be made sufficiente hatches and ties in the ende of theyr buddels and cordes, and therein put and lay or cause to be put and layd all the sande stones, grauell and rebell digged about the insearching findinge and washing of the sayde tinne, there to be wholly and surely kepte by the said hatches and ties out and from the said freshe riuers or water courses or anye of theim, so that the said sande, stones, grauell, and rebell, ne any parte thereof bee for lacke of such hatches or ties, conueyed into the sayde portes and hauens or anye of theim, vppon paine to forsake for every time, that anye owner or tinner, shall digge or walhe, or cause to be digged or washed any tinne contrary to the fourme aforesayd, ten pounds. The one halfe thereof to be to the vse of oure soueraigne lord the kinge, and the other halfe thereof to be to any of the inhabitants of the sayd portes, townes or hauens, that will sue for the same in anye of the kinges courtres, by originall writte, bill, plaint, informacion or otherwise, wherein the defendat shall not be admitted to wage his lawe, ne any protection or essoine shalbe allowable.

And bee it further enacted by auctoritey aforesaide, that if any person or persons shall happen to be sued accused, indited, imprisoned, amerced, condemned

dempned or otherwise vexed or troubled in hys person landes, tynworke
 goods or cattels by any of the ministers or officers of any the kinges cou
 tes of Stannerie, or by any other person or persons for pursuyng or at
 temptyng any sute or action accordyng to this estatute, agayne such per
 son or persons as shall offende contrarie to the fourme aforesayde, that
 than all suche sutes, accusementes, enditementes, imprisonmentes, acti
 ons, condemnacions, fines, amerciamentes, and euerye other acte or act
 to be done in any of the sayde courtes of Stannerie, or els where, by any
 person or persons agayne any person or persons for suinge or attemptyng
 any suites or actions by vertue of this estatute, shall be utterly voyde and
 of none effecte in the lawe. And that the parties sued, endited, accused, im
 pysoned, or otherwyle greued or molested, for pursuyng agayne any per
 son or persons offendyng this estatute, shall haue his action and remedy
 grounded vppon this statute by originall writte, bill, plaint, informacion,
 or otherwyle in any of the kinges courtes, agayne suche as shall procure
 attempte to bere, trouble, or otherwyle molest any such person or persons
 for suinge or pursuyng for the forsaيتures aforesayde: and shall recouer
 treble damages in that behalfe. And the party defendant shall not be ad
 mitted to wage his law, ne any protection essoyne nor priuiledge shall be to
 him allowable. And if it shall happen any person or persons for pursuyng
 any sute or action vppon this estatute or by occasion of the same hereafter
 to be impysoned by any maner person or persons, beyng officers or mini
 sters of the Stannerie, theiꝝ deputies or substitutes, that than eury of
 the Justices of peare wythin any of the countyes aforesayde, wherein the
 sayd pysoner shall happen to be committed to pyson vpon credible infor
 macion, therof taking surety by his discretion for apparaunce of such py
 soner at the nexte generall sessions of peare, shall haue power and auctori
 ty as well to directe his warrante to the gaillour or keeper of the pyson, as
 to any other person or persons, to whom the said pysoner shalbe commit
 ted vnto, commaunding him or them vpon paine of forsaيتure of xl. li. to
 deliuer and put at large the sayde pysoner or pysoners: which if hee refuse
 so to do, than euerye suche offender shall loose and forsaite the sayde xl. li. the
 one halfe of which forsaيتure to be to the vse of oure soueraygne lord the
 kinge, and the other halfe to him that is greued by reason of suche im
 pysonmente, to bee recovered in maner and fourme aforesayde: And the de
 fendant in any action or sute for the same shall not wage his law, ne haue
 any essoyne or protection allowed. And if it shall appere vppon the ap
 paraunce of suche pysoner at the quartet sessions by examinacion of the
 Justices of peare there beinge, that hee was impysoned contrary to the
 fourme of this estatute, that then he shall be forthwith dismissed and there
 by discharged. And if hee were lawfullre impysonned, for anye other
 iuste cause, than to be remaunded to pyson by the discretion of the sayde
 Justices.

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Provided alway that thys act or any thing therein containned be not in any wyse prejudicial or hurtfull to any of the officers of the Stannery, ne to any of theyr lawfull libertyes, pryviledges, vsages, lawes, or customes, savinge onely in the cases and provisions containned and limited wpythin this present acte, which shal alway be put in execution according to the tenor of this acte, any vsage custome, pryviledge, or dinaunce or liberty to the contrary thereof notwithstanding.

And it is enacted, that this acte shal begin to take effect from the feast of S. Michael the arcangell next comming, and not before.

An acte that no person shalbe cited out of the dioces, where
he or she dwelleth, except in certayne cases. Cap. ix.



Where greate number of the kinges subiectes, as well men, wyues, seruaunts, as other the kinges subiects dwellinge in dyuers diocesess of this realme of Englande and of wales, heretofore haue bene at many tymes called by Citacions & other processees compullaryes to appere in the arches audience & other highe courtes of the archbishops of this realme, farre from and out of the dioces, wher such men, wyues, seruauntes & other the kyngs subiectes ben inhabitant & dwellinge, & many tynes to answer to surmyed and fayned causes & lutes of defamaciō, withholding of tithes and such other lyke causes and matters, which haue bene sued more for malyce and for veracion, than for any iuste cause of suite. And where certificate hath bene made by the somner, apparitour, or any such light litterat person that the party agaynst whom any suche Citacion hath ben awarded, hath ben cited or summoned, & thereupon the same party so certified to be cited or summoned, hath not appered according to the certificat, the same party therefore hath bene excommunicated, or at y least suspended from all deuine seruice: and thereupon before that he or she coulde be absolved, hath bene compelled not onely to paye the fees of the courte, whereunto hee or she was so called by citacion or other processe, amountinge to the summe of ii. s. or xx. d. at the leaste: but also to paye to the somner apparitour or other light litterate person, by whom hee or shee was so certified to be summoned, for euery mile beinge distant from the place where he or she than dwelled vnto the same courte, whereunto he or she was so cited summoned to appere, two pence, to the greate occasion of impouerishment of the kinges subiectes, and to the great occasion of misbehaviour and mistuyng of wyues, women and seruauntes, and to the great impeirement and diminucion of theyr good names and honestyes. Be it therefore enacted by the kinge our soueraygne lord, wyth the assent of the lordes spirituall and tempozall, and the commons in this presente parliament assembled, and by auctorite of the same, that no maner person shall

shal be from henceforth cited or summoned or otherwyle called to appere by hymselfe or herselfe or by any procuratour before any ordinarie, archdeacon, commissarie, officiall or any other iudge spiritual oute of the Diocese or peculiar iurisdiction, where the person, which shalbe cited summoned or otherwyle (as is abovesayde) called, shal be inhabiting and dwellinge at the tyme of awardinge or goinge forth of the same citacion or summons: excepte that it shal be for in or vppon any of the cases or causes hereafter wytten: that is to saye for any spiritual offence or cause committed or done, or omitted, forswewed or neglected to be done contrary to right or duty by the bishop, archdeacon commissarie, officiall or other person hauing spiritual iurisdiction, or beinge a spiritual iudge, or by any other personnes wythin the Diocese or other iurisdiction, whereunto hee or she shalbe cited, or otherwyle lawfully called to appere and aunswere. And excepte also it shalbe by or vpon matter or cause of appele, or for other full cause, wherein anye partye shal finde hymselfe or herselfe greued or wronged by the ordinarie, iudge, or iudges of the Diocese or iurisdiction, or by anye of his substitutes officers or ministers after the matter or cause there first commensted and begonne, to be shewed vnto the archbishoppe or bishoppe, or any other hauinge peculiar iurisdiction, wythin whose pparish the Diocese or place peculiar is: or in case that the bishop or other immediate iudge or ordinarie dare not nor will not conuente the party to be sued before him: or in case that the bishop of the Diocese, or the iudge of the place, wythin whose iurisdiction or before whom the suite by this acte should be commensted and prosecuted be party dyrectly or indirectly to the matter or cause of the same suite: Or in case that any bishop, or any inferior iudge hauinge vnder him iurisdiction in his owne righte and title, or by commission make requeste or instaunce to the archbishoppe, bishoppe or other superiour, ordinarie or iudge, to take, treate, examine, or determine the matter before him or his substitute. And that to be done in cases only where the lawe Ciuile or Cannon doth affirme, execution of such request or instaunce of iurisdiction to be lawfull or tollerable, vpon payne of forfayture to euery personne by any ordinarie commissarye, officiall, or substitute by vertue of his office, or at the sute of any person to be cited or otherwyle summoned or called contrary to this acte, of double damages & costes for the veracion in that behalfe susteyned, to be recouered agaynst any suche ordinarie commissary, archdeacon, officiall, or other iudge, as shal awarde or make proces, or otherwyle attempte or procure to do any thinge contrary to this acte, by action of det, or action vppon the case, accordinge to the course of the common lawe of this realme in any of the kinges highe courttes, or in any other competente temporall courtte of record by original wytte of dette bill or plainte. In which action no protection other than suche as shalbe made vnder the kinges greate seal, and signed wyth his signe manuell, shalbe allowed, neyther anye wage

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of lawe nor essoine shall bee admitted. And vppon payne of forfaiture for euery person so summoned cited or other wyse called (as is abouesayde) to aunswere befoze any spyrituall iudge out of the dioces or other iurisdiction where the said person so dwelleth, or is resident or abyding. tennē pōdes sterlinge. The one halfe thererof to be to the kyng our soueraygne lord, and the other halfe to any personne that will sue for the same in any of the kinges sayd courtēs, or in any other the sayde temporall courtēs, by wyrt informacion byll or playnt. In which action no protection shal be allowed, nor wager of law nor essoine shalbe admitted.

Prōvided alwayes that it shalbe lawfull to euery archbisshoppe of this realme to call cite and summon any person or persons inhabytyng or dwelling in any bisshoppes dioces within his prouince for causes of hereby, if the byshop or other ordinary immediately thereunto consent, or if that y^e same bisshop or other immediate ordinary or iudge doe not hys dutie in punishment of the same.

Prōvided also that this act maye not extēde in any wyse to the prerogatiue of the most reuerend father in God y^e archbisshop of Canterbury, or any of his successours of or for callinge any person or persons out of the dioces where he or they be inhabytyng dwelling or resident for probate of any testament or testamentes, any thing in thys acte contayned to y^e contrary not wythstanding.

And be it further enacted by auctozity aforesayde, that no archbisshoppe nor bisshoppe ordinary official commissary or any other substitute or mynist^r of any of the sayd archbisshops byshops archdeacons or other hauing any spyrituall iurisdiction, at any time from the feast of Easter nexte coming shal aske, demaunde, take, or receiue of any of the kinges subiectes any summe or summes of money for the seale of any citacion, after the said feast to be awardec or obtayned, than onely threē pence sterling, vppon the paynes and penaltyes befoze limited, conteyned and expressed in this presente acte, to be in like fourme recouered as is aforesayd.

Prōvided alwayes that thys act be not in any wyse hurtful or preiudiciall to the archbisshoppe of Bozke, nor to his successours, of for or concerning probate of testamentes wythin hys prouince and iurisdiction by reason of any prerogatiue, any thing in thys act to the contrary therof not wythstanding.

An acte concerning feoffementes and assnraunce of landes and tenementes made to the vse of any
parish church, chapel, or such
like. Cap. x.

VV Here by reason of feoffements fines recoueryes & other estatutes & assurances made of trust of manors landes tenementes and hereditamentes

taments to the vse of parish churches, chappels church wardens Guildes fraternities comminalties companies or brotherheades erected and made of deuotion, or by common assent of the people wythout any copozation, and also by reason of feoffementes fines recoueries wylles & other actes made to any vles aforesayd, or to the vles and intents to haue obites perpetuall or a continuall seruice of a prieste for euer, or for 3. score or 4. score yerres founden of thissues and profits of the manours lands tenementes & hereditamentes, wherof such feoffementes fines recoueries wylles and other actes beene made, or that the feoffees conisees recoueries or other persons and their heyres therof seised, shall take leuie receyue and perceiue or cause or suffer to be taken leuied and perceyued thissues reuenues and profits thereof, and the same to dispose paye conuerte or otherwyle employe or suffer or cause to bee disposed payde conuerted or employde to any such vles intentes or purposes as been aboue specyfied, or to any other like vles or intentes: there groweth and issueth to the kinge oure soueraygne lord, and to other lordes and subiectes of the realme, the same like losses and inconueniencies, and is as muche preiudiciall to them, as doth and is in case where landes bee alienated into mortmaine. Bee it therefore enacted by the king our soueraygne lord, the lordes spirituall and temporall, and the commons in this presente parliamente assembled, and by thauctoryty of the same, that all and euery such vles intentes and purposes of what name nature or quality they shal be called, that shall bee deuised couenaunted made declared or in any wyle or dayned after the fyrst daye of Marche in the xxiij. yere of the raigne of our soueraygne lord kinge Henry the eighth by any feoffee recouerer or conisee or by any other person or persons, to whose vse any such feoffee recouerer or conisee shalbe sealed of any manours lands tenementes or hereditamentes, or of thissues reuenues and profits of them or any of them, shalbe vtterly voyde and of no strength vertue nor effecte in the lawe.

Provided alway that it shall be lawfull to euery personne being seised of any manours lands tenementes or hereditamentes to his owne proper vse, or hauinge feoffees recoueries or conisees to his vse, to make ordeyne or deuise, or cause to be made ordeyned or deuised any of the vles intentes or purposes aboue specyfied in such maner as they moughte haue done before the making of this acte, and as if this act had neuer ben had ne made: So that none such vles intentes or purposes to be made ordeyned or deuised after the said first day of Marche, be not in any wyle made ordeyned deuised or appointed to endure continue or abyde by any crasse colour termes sentences clauses wordes or other meanes, aboue the terme of x. yerres next after the fyrst making and beginning of any such vles intentes or purposes.

And it is further enacted, that if any person or persons in defraude of this estatute binde or ordeine any their heyres or successours or any other person

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person or personnes, that they shall suffer suche vles intentes or purposes to endure and continue contrary to this acte, by paynes or penalties of losse of any other lands tenementes or hereditaments, or of any other thyng or thinges, or do attempte or deuise by any colour craft or meanes any thyng or thinges to make anye such vles intentes or purposes to bee declared contrary to the true meaning of this act, to continue or abyde for any longer time or season than is aboue limited for the same: that than euery such payne penalty craft colour and euery other thyng and thinges, of what kinde nature or qualite soeuer it bee, that shalbe so made ordeyned or deuysed in defraude of this acte, shalbe utterly voyde in the lawe to all intentes. And that this estatute shall be alwayes interpreted and expounded as beneficially as may be to the destruction & utter annoyding of such vles intentes and purposes therein aboue remembred, and of all other lyke vles and intentes otherwyle than alonely after suche manner as is afore by this present acte prouided.

provyded alwaie that in such cities and towne corporat, where by thei auncest customes they haue good and lawfull auctorities to deuise into mortmaine the landes tenementes & hereditaments wythin the same cities or towne corporat, that this acte shall not bee in any wyse prejudiciall or hurtfull to any such custome.

I woulde alway that this acte ne any thing therein containyd shal ex-
 tende oꝛ bee in any wyse prejudiciall to hinder oꝛ empayre any suche ordi-
 naunces deuises oꝛ declaracions of bles, as shal hereafter bee made and
 declared in wytyng by the executours of the testamentes and laste willes
 of Roberte Jannis and John Terry, late aldermen of the Citty of Boz-
 wiche, nowe deceased, oꝛ by the executours oꝛ the suruynour of the execu-
 tours of eyther of theym, of anye landes tenementes oꝛ hereditamentes,
 not amounting in the whole aboue the clere yerely value of xlii. to be em-
 ployde and conuerted to and foꝛ the discharge of Colles and Customes w^{ch}
 in the sayde citty, and at the gates of the same, foꝛ the discharge of poore
 people wythin the same city of Tares and Tollages hereafter to be asse-
 sed and leuped, and foꝛ the clenng of the streates of the same Citty, oꝛ foꝛ
 any of the sayd good purposes, accoꝛding to the true intents & meanings
 of the sayd last willes and testamentes, & of eyther of them: so that y^e same
 ordinaunces deuises and declaracions be had made and certified in wy-
 tyng into the kinges courte of Chauncery wythin two yeres next ensuyn-
 the feast of Easter next commynge.

**An acte concerning breaking of pryson
by clerkes conuicte. Cap.ij.**

Where diuers persons being conuicted of murder or felony, hauing the priuiledge of theyr clergy, & deliuered to the ordinarie, afterwards

wilfully breke the prysons of the ordinaris & escape theyr wayes, doynge and committing greate horrible & detestable offences, and as hitherto in such wilfull breaking of prysons of ordinaris by clerkes couicte hath not ben provided any great penalty, whereby they should stand in dread of doing of the same. Be it therefore enacted by auctorite of this present parliament, that if any cleerke couicte beinge in pryson of any ordinary, wilfully breake the said pryson and escape his waye oute of the same, that than every such breakynge of pryson and escape shalbe from henceforth deemed and admydded felonie, and the offender therein shall haue and suffer such payne of death and penalty, & losse of his landes and goodes, as for other felonies is accustomed by the lawes of this realme, and shall not in anye wyse be admitted to haue the pryviledge or benefite of his cletgie, nor anye sanctuary for the same.

It is also provided alway that if any such offender be within holy orders, that is to say of the orders of subdeacon deacon or priesthode, that than after he is couicte of the premisles he shalbe deliuered of the ordinary, there to remaine without any purgacion.

And it is enacted, that it shall bee at the liberty of the ordinary to disgrace any such offender after hee is founde guilty and deliuered to him as a cleerke couicte, and sende him before the king in his benche wyth letters witnessynge the sayd disgracing, and thereupon the Justices of the kings bench, having the record of his conviction, shall haue power and auctorite to give judgement agayne every such offender beinge couicte and disgraced, that shall suffer death, like as they mought doe in case the same offender had been a laye man, and arreyned and founde guilty afore them of the sayd offence, the deliivering of such offender afore to the ordinary notwithstanding.

An acte for takinge exactions vpon the pathes
of Seuerne. Cap. xii.



Where the kinges subiectes passinge bypon the ryuer and water of Seuerne, haue bled tyme oute [of] mynde to haue and vse a certayne pathe of a foote and a halfe brode on every syde of the sayd ryuer for drauynge by hye lines or roopes theyr troughe barges boates and other vesselles passinge or repassinge on the sayd ryuer of Seuerne wyth wyne or anye other marchaundise, without any imposition tare or toll to be demaunded of them, & so shoulde carie wyne in any of the sayd vesselles for the sayde passinge and drauynge in the sayde pathes accustomed, till nowe of late certayne couetouse persons haue perturbed and interrupted manye of the kinges subiectes, haulynge and drauynge bype their vesselles in the sayd pathes, takinge of theym

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fyres and draughtes and botels of wyne, and yet daylye to vse to the disturbance and losse to manye of the kynges subiectes.

Be it therfore enacted by the kinge our soueraygne lord, and the lordes spirituall and temporall and the commons in this presente parliament assembled, that no person or persons interrupt by any obstacle, lette or other wyse any person or persons passinge or repassinge on and vpon euery of þe sayde pathes accustomed, nor also are, take or demaunde any tolle called a draught, or bottell of wyne, or any other tare or imposition of any of þe kynges subiectes ther goinge in the sayd pathes accustomed, vpon euery syde of the ryuer of Seuerne there halynge or drawinge their botes, troughe or vessels, vpon payne to forsaite for euery time that hee or they shall interrupte any of the kynges subiectes, or are or take any such imposition, by what name so euer it be called. xl. s. The one halfe therof to be to the kyng our soueraigne lord: And the other halfe to the party greued, that wyl sue for the same by byll, plaint, information or other wyse, in the which sute no esoyne, wager of lawe nor protection shalbe allowed.

An act that men in cities, borowes & towngs, which be clerely
worthe. xl. l. in goodes, shall passe in triall of
murthers. Cap. xiiij.

As much as triall in murders and felonies in cities borowhes and towngs corporate within this realme hauinge auctorite to procede in the deliuerace of such offenders, bene oftentimes deferred and delayed by reason of challenge of such offendours for lacke of sufficiencye of freeholde, to the great hynderaunce of Justice. It may therfore be enacted by auctorite of this present parliamente, that euery person and persons beinge the kynges naturall subiect borne, which either by the name of a citizen or of a freema or any other name dothe enioye and vse the liberties and priuileges of any Cytye boroughe or towne corporate, where he dwelleth and maketh hys abode, beinge worthe in mouable goodes and substaunce to the clere value of. xl. poundes, bee from hencefoorth admytted in triall of murther and felonies in euery sessions and gayles of deliuey to be kepte and holden in and for the liberty of such cities, borowhes or towngs corporat: All be it they haue no freeholde, any act, statute, vse, custome or ordinaunce to the contrary hereof notwithstanding.

Provided alwaie, that this acte do not extende in any maner of wise to any knyght or esquire dwellinge, abydinge or resortynge in or to any such city or boroughe corporate, any thinge in the same act mencionned or declared to the contrary hereof notwithstandinge.

ANNO XXIII

¶ Proces of outlatory to lye in actions of anno. b. R. ij.
in couenaunt and annuity. Cap. xiiij.



¶ As muche as there is great delays in actions of trespass brought vpon the statute of kinge Richard the second, made in the. v. yere of his reigne, against the that make entrees into any landes or tenements, where they entree is not geuen by the law: And also in actions of annuity & actions of couenaunt, because ther lieth no proces of outlary in such nature of actions. For reformation wherof it may please the kinges highnes, by the aduise of his lordes spirituall and tempozall, and the commons in this present parliament assembled, and by auctorite of the same, to ordeine and enacte, that like proces be had hereafter in euery action from henceforth to be broughte vpon the sayde estatute of anno quinto, as is in a common action of trespass at the common lawe, and that also lyke proces be had in euery writte of annuities and couenaunte hereafter to be sued, as in an action of debte.

An acte that the defendandt shall recouer costes against the pleintife, if the pleintife be nonsuited, or if the verdict passe againste him. Cap. xv.



¶ It enacted by the kynge our sowerayne lord, and the lordes spirituall and tempozall, and the commons in this present parliament assembled, and by auctorite of the same, that if any person or persons at any time after the feast of the Purificatio of our lady, in the. xxij. yere of the reigne of our sowerayne lord kynge Henrie the viij. comence or sue in any court of record or els where in any other courte, any action, byll or playnt of trespass vpon the statute of kynge Rycharde the seconde, in the. v. yere of his reigne, for entrees into landes and tenements, where none entree is geuen by the law or any action, bill or playnt of debte or couenaunt vpon any especialte, made to the pleintife or pleintifes, or vpon any contracte, supposed to be made betwene the pleintife or pleintifes, and any person or persons, or any action byll or playnte of detinue of any goodes or cattels, wherof the playntife or pleintifes shall suppose, that the propertie belongeth to them or to anye of them, or any action, byll or playnt of accompt, in the which the pleintife or pleintifes suppose the defendaunte or defendantes to be theyr bailiffe or bailiffes, receiuer, or receiuours of their maner, meese, money or goods to yelde accompte, or any action, byll or playnte vpon the case, or vpon any statute for any offence or wrong personall immediatly supposed to be done to the pleintife, or pleintifes and the pleintife or pleintifes in anye such kinde

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kinde of action, bill, or plaint after apparaunce of the defendante or defendantes be nonsuited, or that any verdict happen to passe by lawfull triall agaynst the playntife or plaintifes in any such action, bill, or playnte: that than the defendaunt or defendantes in euery suche action, byll, or pleynte, shall haue iudgement to recouer his costes against euery suche pleintife or pleintifes. And that to be assessed and taxed by the discretion of the iudge or iudges of the court, where any suche action, byll, or pleint shall be commenced, sued or taken. And also that euery defendante in suche action, byll, or plaint shall haue suche proses and execution for the recouery and hauing of his costes against y^e pleintife or plaintifes, as the same pleintife or plaintifes should or might haue had agaynst the defendante or defendantes, in case that iudgement had bene geuen for the parte of the sayde pleintife or pleintifes in any suche action, byll, or plaint.

¶ Provided alway that all and euery suche pooze person or persons beinge pleintife or pleintifes in anye of the sayde actions, or plaintes which at the comencement of theyr suites or actions be admitted by discretion of the iudge or iudges, where suche suites or actions shall be pursued or taken, to haue their processe and counsaile of charite without any money or fee payng for the same, shall not be compelled to paye any costes by vertue and force of this estatute, but shall suffre other punishemēt, as by the discretion of the Iustices or Iudge, afore whom such suites shall depende, shall be thought reasonable, any thinge afore rehearsed to the contrary herof not withstandinge.

An acte that no englishe man shall sell, exchange or deliuer
to be conueide into Scotlande any horse, gelding, or
mare without the kinges licence. Cap. xvi.



Where before thys time dyuers of the kynges subiectes, and namelye of the No^rthe partyes of thys realme, as well in time of peace as of warre, haue solde and deliuered out of this Realme into Scotland many and diuers great multitude of horses, geldynges, and mares whiche hath bene thought not onelye greafe occasion strength and boldenes to the Scottisshmen hauinge in possessiō the same horses, geldinges and mares in time of warre to inuade this realme, to the great detrimēte and hinderaunce of the kynges pooze subiectes of this his realme, but also a great enfeblyng of the kinges sayde subiectes in the defence of the same.

Be it therfore enacted by auctorite of this present parliament, that if any person or persons after the feast of saint George the martir next coming sel, exchāg or deliuer within theyr realme of Scotlād or in any place or ground called the batable grounde betwene England and Scotlande,
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to the vse of any Scottishe man any horse, geldynge or mare without licence obteyned of the kynges highnes by hys letters patentes vnder hys great seale so to do, or sell, exchange or deliuer to any Scottishe man wryth in this realme of Englande, wales, the towne of Barwyke, or marches of the same or in any of the sayde batable ground, to thentent to be conueied into Scotlande, any horse, geldinge or mare without speciall licence obteined of the kynges highnes by his letters patentes vnder his great seale so to do: that than the same sale, exchange or deliuerie of such horse, geldinge or mare contrary to this present acte shalbe adiudged and deemed by the law felony as well in the seller, exchange or deliuerer, as also in hym or them to whom the same sale exchange or deliuerie shall be made. And that it shalbe lawfull as well to the warden and wardens of þe east, west & middle marches for the time beinge, in their warden courtes, as also to the kynges Iustices of his peace in theyr quarter sessions in euery shyre of this realme, to enquire, heare and determine all and euerye such felonies, after like manner as is vled in other felonies at the common lawe, whether the same sales, exchanges or deliueries be made had or done by any person or persons contrarie to thys acte in the Realme of Scotlande or in any part of the sayde batable groundes, or within the realme of Englande, wales, Barwyke or marches of the same. And that it shalbe lawfull to euery pers and persons, beyng the kynges subiectes, and inhabitynge in the foxesapde marches for agaynst Scotlande, to arrest any Scottishe man leadynge or conueying any such horse, gelding or mare out of this realme into the sayd realme of Scotlande: and that the moptye or one halfe of the pryce of the sayde horse, geldinge or mare, shalbe to the vse of the scyfour and aretfour of the same after due triall of the same made. And the other moptye to the kynges highnes.

An acte concerning the true windinge of wolles. Cap. xvij.



It enacted by the kyng our soueraygne lord and the lordes spyrituall and tempozall, wryth the commons in this presente parliamente assembled, and by auctorite of the same, that from hencefoorth no manner person nor persons dooe wynde or cause to be wounde any fleesse of wolles beyng not sufficiently ryuered or washed, nor wynde or cause to bre wounde within anye fleesse, clape, lead, stones, sande, tayles, deceptefull lockes, cotte, calles, combe, lammes, wolles, or any other thyng, whereby the fleesse may be the more weyghty, to the disceipte and losse of the byer, vppon payne the seller of anye suche deceptifull wolles to forsayte for euerye suche fleesse. vi. d. the one mopty to the kyng, the other to the finder and prouer of the same disceipte, by action of debte, by originall wryte, byll, playate, information or other wise in anye

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any of the kings courttes, in wher action no wager of law essoine ne protection shall be allowed for the defendant.

Provided alway that this acte concerning riueringe and washing of any wolle shall not in any wyse extende to any shyre or shyres, the inhabitantes whereof hath not customably vled before this tyme to riuer or washe theyr sheepe, afore they be shorne, nor shal in any wyse be hurtfull or prejudiciall to any person or persons, & hath vled customably to sell theyr wolles by tale or nomber of the fleese or fleeses and not by weighte, any thinge in this acte to the contrary notwithstanding. This act to endure to the next parliament.

An act concerning pulling downe and auoyding of fishgarthes
piles, stakes, heekes, and other ingins set in the riuer and
water of Duse and Humber. Cap. xviii.

The mayre, sheriffes, and comminalty of y^e city of Worke & other the kynges true subiects inhabiting and dwelling nigh vnto the riuer of Duse, and the water of Humber, & al other occuppers of the same ryuer and water, lamentably complayning, shewen vnto our soueraigne lord the king, the lordes spiritual and tempozal and the commons in this present parlamente assembled, that where the sayd city beyng one of the most aunciet cityes of this realme, hath ben much reined, mainteyned, and supported by the sayd riuer of Duse and water of Humber, which be the common and directe passage and way from Hull vnto Worke afore sayd, by reason that many shippes, keiles, cogges, and boates, & other vessels haue heretofore had theyr franke passages wythout let, impedimente, or interruption, in and vpon the sayd riuer and water of Duse and Humber, from diuers parties of this realme vnto the sayd city, whereby y^e said citie hath hitherto most chiefly ben aduanced: And now of late certayne personnes studying onely for theyr owne priuate lucre, not regardyng the common weale, but daily imagining the bitter destruction ruine & decaye of the sayd city and the countreyes adioyning vppon the said ryuer of Duse and water of Humber, and occupiers thereof, hath and daily do keepe preserve and maintayne certayne ingins for takinge of fyshe in the sayd ryuer and water of Duse and Humber commonly called fishgarthes, and set in the sayde ryuer and water in suche places of the same: where shippes should haue theyr lyberall and dyrect passage in the middes of the streame of the sayde riuer of Duse and water of Humber, stakes, piles, and other thynges in and vppon the common passage for shippes, keyles, cogges, botes, and other vessels at diuers and many places in the sayde riuer of Duse and water of Humber: by reason whereof not onely the sayde shippes keyles, cogges botes and other vessels are daily in ieoperdy, and men children

children goods & marchandises in the same of late haue bene and dailye
like moze to encrease to be drowned slaine & destroyed, but also broode
frie of fishe in the sayd riuer and water of Ouse and Humber be common-
ly thereby destroyed and putrified to the vtter impoueryshmente and de-
struction of the sayde city, vnles speedie remedy bee in this behalfe shewed
prouided. Wherefore it may please our saide soueraigne lord, with the
assent of the lordes spirituall and tempozall, and the commons in this pre-
sente parliamente assembled, and by auctorite of the same, that the Lord
Chauceller of Englande, for the tyme beinge, by the kinges commission
vnder his greate seale, afore the first daye of Maye nowe nexte comminge
shall by his discretion appoynt viij. sad and discrete persons, wherof foure
of them to be of the citizens of the said city of Yorke, and burgenl. of the
sayd towne of Hull, and the other foure to be two of them Justices of the
peace of the weste ridinge of the county of Yorke, and the other two Ju-
stices of the peace of the East rydinge of the same countye, that they viij.
bii. vi. or iiii. of them, wherof two of theym to be of the said Citizens
and burgenl. of the said city and towne, and other two to be, one of them
Justice of the peace of the west ridinge, and the other of the East rydinge
of the said countye, on this syde the firste daye of June nowe nexte com-
inge, shall haue power and auctorite to suruey and see the saide fishgar-
thes, weres, piles, stakes, and other ingens set and made in the sayd riuer
and water of Ouse and Humber: which sayde personnes so assigned shall
haue power and auctorite by vertue of this acte to appoint and assigne by
theyr discretions the owners of the said fishgarthes, stakes, piles, and o-
ther ingens to auoyde ynd pull vp, or cause to be auoyded and pulled hypp
wythin xl. dayes after suche surueyance made and monicion geuen to the
said owners, euen such and as much of the said fishgarthes, piles, stakes,
heckes, and other ingens, which then by their discretions shall be thought
expedient, meete, and conueniente to be auoyded and pulled hypp, that the
said shippes, keyles, cogges, boates, and other vesselles, passinge and re-
passinge on the saide riuer and water of Ouse and Humber, to or from the
sayde Cittie of Yorke and towne of Hull, maye haue directe liberall and
franke passage in throughe or hyppon the sayde riuer of Ouse and water of
Humber wythoute any perturbaunce impedimente let or daunger by rea-
son of anye of the saide fishgarthes, piles, stakes, or other ingens than lette
erected and standinge in the saide riuer and water of Ouse and Humber, &
that the sayde owners on euery syde of the saide fishgarthes and other
ingens nexte to the middle of the saide water streame and passage of the
saide vesselles, there to sette or cause to be set within the sayd fortye dayes
before limited two piles of the lengthe of one yerde ouer and aboue
the highe water marke at the full sea of the saide riuer and water of the
Springe tyde, there to bee and remaine, and to bee kepte and repa-
red by the sayde owners whan neede shall require the same for ever. that
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suche persons as shall passe and repas wyth shippes keiles rogges and o-
ther vessels in the same waters, may haue perfect knowledge and sight of
the direct way and passage in the sayd waters, throughe the said fishgar-
thes and ingens for the said shippes keiles boates and other vessels.

And be it enacted by the sayde auctozity, that the lord Chancellor of
Englande, for the time being, at all times after the sayd first surueyaunce,
vpon request to him to be made by the mayre & comminalty of y^e said city &
towne, or by any other citizen and burgeys of the said city and towne for
the time beinge, or other person by them vnder the common seales of the
sayd city and towne auctozised, shall haue power and auctozity by his dis-
cretion, to make and directe like commissions vnto viii. sadde and discrete
personnes, wherof 4. of them to be the citizens and inhabitauntes of the
sayde citie and towne, and the other foure to be Iustices of the peace, the
one of the west rydinge, and the other of y^e East ridinge of the county of
Yorke, not of fee nor retepned with the said city nor towne, that they viii.
vii. vi. v. or iii. of them, whereof two of them shalbe of the sayde city and
towne, and the other ii. Iustices of peace, the one of the East ridinge and
the other of the ridinge of the sayd county, by vertue of the sayde commis-
sion, shal and may the sayd owners assigne and appoint to pull bp and res-
dres or cause to be pulled vppe and redressed wythin xij. dayes after moni-
cion giuen to the sayde owners by the saide commissioners or by suche of
them taking the charge of the execution of the saide commission such and
as much of the said fishgarthes and other impedimentes to be made in y^e
sayde waters, to the let disturbaunce damage or ieoperdy of anye shippes
keiles boates or any other vessels passing or repassing to or from the said
city of Yorke to the said town of Hull, as by them shalbe thought meete
and conuenient.

And further bee it enacted by the sayde auctozity, that no maner of per-
son or personnes wythin the sayd riuer and water of Ouse and Humber,
shall set fishgarthes or any other ingins to take fishe wythall wythin the
waters aforesayde, but onely wyth such nettes and other ingins as
shalbe of assise and measure, accordyng to the standerde and auncient and
laudable customes bled in the sayde riuer and water of Ouse and Hum-
ber, and also to vse the fishynge wythin the sayde waters all such tymes
as wythin the same hath of olde time beene accustomed, and at none o^rher
time.

And further bee it enacted by the auctozity aforesayde, that euery of
the saide owners and occupiers of suche fishgarthes for euery monethe
offendinge contrary to this acte, shall forsaite xl. li. And euery other per-
son in fishinge contrarpe to this acte offendinge, shall forsaite v. li. the
one halfe of which penalty and penalties to bee to oure soueraigne lord
the kinge, and the other halfe to the mayre and comminaltye of the sayde
City of Yorke and their successours, and the same to be recouered against
euery

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every person and persons so offending as wel by bill informacion or otherwise at the kinges suite as by originall writte of Dette at the suite of sayde mayre and communalty and theyr successours, in which action party defendaunte shall not wage his lawe, nor haue any protection or soine allowed.

God saue the King,



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An acte concerninge the kinges gracious and free
pardon for hys spyrytuall subiectes
within the prouince of
Dorke. Cap. xix.



he kinge our soueraygne lord callinge to hys blessed and
most gracious remembrance, that hys good and louynge
subiectes, the most reuerend father in god Edward Arch-
byshop of Dorke, and other Bishops suffraganes prelates
and other spirituall persons of the prouince of y Archbis-
pich of Dorke of this realme of England & the ministers
vnder writen, which haue exercised, practised or executed in spirituall cour-
tes and other spirituall iurisdiccions within the sayde prouince, haue fallen
and incurred into dyuers daungers of his lawes by thynges done perpe-
trated and committed contrary to the order of his lawes, and specially cō-
trary to the fourme of the statutes of prouisoires, prouisions & premunire.

And his hyghnes hauynge alwaies tender eye with mercy pity and cō-
passion towardes his sayde spyrytuall subiectes, myndynge of hys hyghe
goodnes and greate benignity so alwayes, to imparte the same vnto the,
as Justice beyng dayly administred, all rigour be excluded, & the great be-
neuolent mindes of hys sayd subiectes largely and manye times approued
towardes hys hyghnes, and speciallye at their conuocation and Synode,
holde in the chapter house of the metropolitane church of Dorke by corres-
pondence of gratytude to them to be requited, of his meete mocion benig-
nity and liberalitie, by auctozity of thys his present parliament, hath giuen
and graunted his lyberall and free pardon to his sayde goode and louynge
spirituall subiectes and the sayd ministers and to euery of theim, to be had
take and enioyed to & by them & euery of the by vertue of this present acte
in maner and forme ensuynge. That is to wyt: The kynges highnes of his
sayd benignity and hygh liberallity in consideracion that the sayd archbis-
shop, byshops and clergy of the sayd prouince of Dorke in theyr sayde Con-
uocation haue gyuen and graunted to him a subsidy of eyghtene thousande
eyght hundred fortye poundes and tenne pence of lawfull money currante
in this realme to be leuied and collected by the sayde clergy at theyr propre
costes and charges, and to be payed in certayne fourme specified in theyr
sayd graunt therof, is fully and resolutely contented and pleased, that it be
ordeyned, established and enacted by auctozity of thys sayd parliamēt, that
the most reuerende father in god Edward archebishop of Dorke metro-
politane and primate of England, and all other byshopes and suffraganes
prelates, abbottes, priours and other conuentes, and euery person of the
same conuentes corporate, abbelles, prioresses and religious nūnes, and all
other

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other religious and spirituall persons dranes and chapters and other dignities of cathedrall and collegiate churches, prebendaries canons and percy canons vicars and clerkes of the same and euery person of the same, all archdeacons, maisters, prouostes, presidentes, wardeins of colledges and of collegiate churches, maisters and wardeins of hospitalles, all felowes bytherne, scholers, priestes and spirituall conductes and euery of the same, all vicars generall of dioces chauncelloys comissaries officials and deanes, rurals, and all ministers hereafter generally rehersted of any spirituall court or courtes within the sayd prouince of Yorke: That is to say, al iudges aduocates, registers and scribes, proctours constituted to iudgements and apparitours and all other, which within the sayde prouince of the archbishopricke of Yorke at any time heretofore haue administred, exercised, practised or executed in any iurisdiccions within the sayde prouince as officers and ministers of the sayd courtes, or haue bene ministers or executours in the exercise or administration of the same. And all and singuler polittike bodies spirituall in anye maner of wise corporated, and all persons vicars curates, chauntry priestes, stipendiaries, and all & euery person & persons spirituall of the clergy of the sayd prouince of Yorke, in this present acte of pardon hereafter not excepted, or to the contrary not prouided for, by whatsoeuer name or surname, name of dignity, preheminance or office they or any of them be or is named or called, the successours, heires, executours and administrators of them and euery of them, shall be by auctorite of this present pardon acquitted, pardoned, released and discharged against his highnes his heires, successours and executours and euery of them of all and all manner offences contemptes and trespasses committed or done agaynst all & singuler statute and statutes of prouisoirs, prouisions and premunice and euery of them, and of all forfaitures and titles that may growe to the kinges highnes by reason of any of the same statutes. And of all and singuler trespasses, wronges, deceiptes, misdemeanours, forfaitures penalties and profits, summes of money, peines of death, peynes corporall and pecuniarie as generally of all other thinges, causes, quarrelles, suites, iudgements and executions, in this present acte hereafter not excepted nor forfaitured, whiche may be or can be by his highnes in anye wise or by anye meanes pardoned before and to the tenth day of the moneth of Marche, in the .xxij. yere of his most noble regne to euery of his sayd louinge subiectes: That is to saye to the sayde archbishop and other the sayde byshoppes, suffraganes, prelates, abbottes, priours and conuentes and euery person of the same conuentes, and conuentes corporate, and euery person of the same conuentes corporate, abbesses, prioresses, nunnes and spirituall persons in dignity, and all other religious and spirituall persons, deans, chapters, presidentes, prebendaries, canons percy canons, vicars, chorals & clerkes, archdeacons maisters, prouostes, presidentes, wardeins, felowes, bytherne, scholers, priestes & spirituall

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conductes chauncellours vicars generall of Dioces commissaryes officiales, Deanes, rurales, and all iudges, aduocates registers and Scribes, proctours and apparitors, which haue administred practised or executed any iurisdiction in any spirituall courte wythin the sayd prouince, & to the saide politicke bodyes, spirituall persons, vicars curates, chantry priestes stipendiaries, and to all and euery other person and personnes spirituall of the clergie of the sayde prouince, and to all & euery other person & persons before named,

Also the kinges highnes is contented, that it bee enacted by auctoryty of this present parliamente, that the sayde free pardon shalbe as good and effectuall in the lawe to euery of the sayde spirituall subiectes of the sayde prouince and to euery of theym and to the sayde mynisters and euerye of them, and to all and euery of the sayde bodyes corporate and other persons before named, and to euery of them by the generall wordes before reherfed in all thyng, whiche be not hereafter in this presente acte excepted, as the sayd pardon should haue bene, if all offences, contemptes and forsaitures causes, matters, sutes, quarrels, iudgementes, executions, penalties and all other thinges not hereafter excepted had bene particularly, singularly and playnly pardoned, named, reherfed and specified by propre or expresse wordes and names in theyr kyndes natures and qualtyes in woordes and termes here vnto requisite in the sayde pardon. And that hys sayde subiectes hereafter not excepted nor any of them theyr sayde ministers successors, heyres, executours nor administratours of any of theym nor any of them, nor any of the sayde bodyes corporate be nor shall be sued, vered nor inquieted in their bodyes, goods, landes or cattalles for any maner, matter, cause, contempte, misdemeanour, forsaiture, trespass, offence or any other thinge suffered, done or committed before the sayd tenth day of March agaynst the kinges highnes, his crowne, prerogatiue, lawes, statutes or dignity, but only for such causes, matters and offences as bee speciallly and plainly reherfed in the exceptions, forpyles and prouisions in this presente pardon hereafter mencioned, and for none other, any statute or statutes, lawes, customes, vse or presidente heretofore made or vled to the contrary in any wise notwithstandinge.

Also the kinges highnes of hys bountious liberalitye by auctorytye of this present parliament graunteth and freely geueth vnto his sayde spirituall subiectes and their sayde ministers, that is to saye to the sayde archbishop and all other the sayde byshoppes, suffraganes, prelates, abbottes priours, conuenter, abbes, prioresses, nunnes and spirituall personnes in dignity, and all other religious and spirituall persons, deanes, chapters prebendaries, canons, petye canons, vicars, chorals and clerkes, archedeacons, maisters, prouostes, presidents, wardens, felowes, brethren, scholers prestes spirituall conductes, chauncellours, vicars generall of dioceses, commissaries, officials, deanes, rurales, iudges, aduocates, registers, scribes, pro-

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ctours and apparifours bodyes corporate, and politike bodieſ ſpyrituall, perſons, vicars, curates, chantry prieſtes, ſtipendaries and to all other perſons ſpyrituall men and women of the clergy or ſpyritualty of the ſayde prouince and to euery of them all ſuch goodes, cattels, fines, iſſues, profits, amertiamentes, forfeitures and ſummes of money by any of them forfeited, whiche to his highnes do or ſhould belonge or apperteyne by reaſon of any offence, contempte, myſdeanour, treſpas, matter, cauſe or quartrell ſuffered, done or committed by them or any of them beſore the ſayde tenth day of Marche, which be not hereafter ſpecially and playnely forfeited and accepted in this preſent acte of pardon. And that all and euery of the ſayde ſpirituall ſubiectes and their ſayd miniſters & all and euery of the ſayd bodieſ corporate and other perſons beſore named may by him ſelfe or hyſ or theyr attourney or attourneis accoꝛdinge to the lawes of this realme pleade and miniſtre this preſent acte and free pardon for his or theyr diſcharge of and for euery thinge that is therby pardoned without any fee or other thinge therefoꝛe in any wyle payinge to any perſon or perſons for pleadynge wrytynge or entree of iudgemente or for any other cauſe concerninge the lawe but onely .xii. d. to the clerke that ſhall entree the plea matter or iudgemente for his or their diſcharge in that behalfe, any ſtatute or uſe to the contrary not withſtandynge.

And furthermoꝛe the kinges highnes is contented, that it be enacted by auctozity of this preſent parliament, that his ſayde free pardon in all maner courtes of his lawes and els where ſhall be reputed deemed iudged allowed and taken as well in the woꝛdes and claues of therceptions and forfeitures ſpecified in this preſente pardone and acte, as in all and ſingular the other claues, woꝛdes and ſentences meñtioned and reherſed in the ſaid free pardon, moſt beneficially and auaylable to all and ſingular hyſ ſayde ſubiectes, and to euery of the ſayde bodieſ corporate and polityke bodieſ ſpirituall and to euerye perſon ſpirituall of the ſayde clergy and ſpyritualty and to theyr ſayd miniſters & officers, and to all other perſons afore named and to euery of them, and to the ſucceſſours, heyres executours & adminiſtrators of euery of them, and moſte ſtrongelye in barre and diſcharge againſt his highnes his heyres ſucceſſours and executours in euery thinge wrythout obſtacle, challenge or other delaye what ſoener it be, to be made pleaded, objected, or alleged by the kinge our ſoueraigne loꝛde his heyres ſucceſſours or executours, or by hyſ or any of their generall attourney or attourneies, or by any other perſon or perſons for his highnes or any of hyſ heyres, ſucceſſours or executours.

And furthermoꝛe it is enacted by the kyng our ſoueraigne loꝛde, and by auctozity of thys preſent parlamente, that yf any officer or clerke of any of his high courtes commonly called the kinges benche, chauncery and common place or of his Cheker, or anye other officer or cleerke of anye other of his courtes within his realme after the feaſte of Eaſter next commynge,

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make out or write out any maner of writtes or other procelle or any extractes or other preceptes, wherby any person or persons of his sayd subiectes or any of the sayde bodyes, corporate or politike bodyes spirituall or any of them shalbe in any wise arrested, attached, distrained, summoned or otherwise bered, troubled or greued in his or their bodies, landes, tenementes, goodes or cattels or in any of them, for or bycause of any maner of thyng acquitted, pardoned, released, or discharged by this present acte of free pardon, he so offending, and therof lawfully condemned shall yelde and pay for recompence thereof to the party so greued or offended treble damages accounted as parcell of those damages all costes of the suite. And neuertheless all and singuler suche writtes, procelle, extractes and preceptes after the sayde feast of Easter nexte cominge to be made for or vpon any maner thinge acquitted, pardoned, released and discharged by this present acte of free pardon, shalbe utterly boide and of none effecte.

Excepte alwayes and forpyssed out of this pardon all maner of highe treasons, all prepened and voluntary murders, all robberies of Churches and robberies done vpon or to mennes persons, all other felonies and robberies by the common lawe, of felonous takinge of money, goods and cattelles aboute the value of .xx.s. all felonous brenninge of houses, all carnall rauishementes of women, all raisinge of recordes, all outlawries of highe treasons, and of all maner of felonies, other then felonies to the sayde value of .xx.s. or vnder that some. And that all other outlawries had or promulgate vpon or agaynst any of the kynges sayde subiectes for any cause not beinge treason, murder or felony aboute the sayd some of .xx.s. to be pardoned by the generall wordes of this pardon aforesayde. So alwaies that the same sayde subiectes and euerye of them so beinge outlawed stande to righte to answer or satisfie the partye at whose suite he is outlawed, accordinge to the lawes of this realme.

Also excepted and forpyssed out of this pardon all tytles & actions of Quare impedit, and titles of presentacions, donations and collacions to benefices and other promotions spirituall, which the king our soueraygne lord hath or is intituled to haue, other than be growen shoulde or mighte growe vnto our sayd soueraigne lord by force or meane of any statute or statutes or prouisoirs, prouisions or premunire.

And also excepted and forpyssed out of this pardon all rauishementes of the kinges wardes all wastes of the kinges woodes in his forrests, parks, and chases all conceilmentes of customes & subsidies, all riottes, routes & vnlawfull assemblies committed & done aboue the numbere of .xx. persons. And also except all maner of alienaciōs & gistes into mortmain, & al alienaciōs gistes, assignements, willes & limitaciōs of bles of any maners, lādes, tētes, rentes, annuities & other hereditaments to thuse of any maner mortmain, & all intrusiōs had made or done in or into any manours, lādes, tētes or other hereditamētes within þe fest of þe Nativity of our lord god in þe .xxij

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pere of the reigne of our sayde soueraygne lozde. And also all offences committed and done by digginge downe or castinge downe of anye crosse or crosses, which stode, or were set in any common or high way or wayes. And all and singuler debtes other then debtes growe vpon recognisances beinge all redy forsayted for surety of the peace, or for apparace at any day or place.

And excepted and forzeyfied out of this pardon all accomptes and all actions, suites and impositions for the same accomptes and arrears of accomptes and for the sayde debtes or anye of them hereby excepted and forzeyfied, all homages and relieffes, all wilfull escapes as well of comites as of other persons, debtes whiche were due to the moste noble kyng of famous memozie kinge Henry the vii. or to any person or persons to be by any condemnation, recognisance, obligation or otherwise, all and singuler those forsaytures due to our soueraygne lozde the kyng, Henry the. viii. by any penall statute or statutes, whiche be conuerted into the nature of debt by iudgement or by agreement of the offedours before the tenth day of Marche: and all forsaytures and other penaltyes and profits growen or due by reason of any offence or acte committed or done contrary to any statute or statutes, or contrary to the common lawe, whiche of any seisor is made, or any informacion giuen into the kynges eschequer or any sute commenced before the sayde tenth day of Marche, or when of the kynges highnes by his bill assigned, or otherwise hath made any gifte or other assignement to any of his seruantes other then such actions suites, forsaytures, penalties, and profits growen or due, which might growe or be due to the kynges highnes by reason of any offence contempe or acte committed or done contrary to the sayd statute of prouisoires, prouisions and premunice or any of them.

And also excepted all issues forsayted fines and amerciamentes assessed, set, extorted or iudged seuerally or particularly extendinge aboute the summe of .C. xx. s. And that al and singuler other fines as well fines pro licencia concordandi as other, and all other issues and amerciamentes as well reall as other, forsayted before the sayde .x. day of Marche, which seuerally or particularly extende not aboute the sayde summe of .C. xx. s. whether they be totted or not totted taken to the charge of the shireffe, or not taken to his charge, extorted or not extorted, whether they be turned into debt or not det, and not beinge leised nor receiued by any shireffe or shireffes bayliffes, ministers, or other officers shalbe fully, clerely and playnly pardoned and discharged to euery of the kynges subiectes before reherfed, agaynst the kinge our soueraigne lozde his heires and successours for euer.

And it is further enacted by auctorite aforesayd, that in case it be objected to any shireffe or shireffes or other accoptantes in the kynges court of his Eschequer, or in any other his courtes, that any shireffe or shireffes or other officers accoptantes hath or haue receiued or take any such fines, issues

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or amerciamentes befoze pardoned, released or acquitted: that then euerye such Shiriffe and shiriffes and other accompfantes shall be discharged released, pardoned and acquitted therof by his or their othe without any further triall in that behalfe.

Þrouided alway that this acte of free pardon shall not extend or be in any wise beneficiall to any clerke or other person of the sayde clergy or spiritualty, beinge the sayde tenth daye of March in the custody of the sayde archebysshop, or for any other ordinary of the sayde prouince, as a person attainted or conuicted by the lawes of this realme of any murder, felonie or other crime or offence for or concerninge deliuerance out of the conuicte person, till that he shall haue made hys purgation accordinge to the lawes or customes vsed in that behalfe, or that he bee thereof discharged by the kinges pardon or other lawefull meane.

Þrouided also that this acte of pardon shall not extende nor be prejudiciall to the kinge our soueraigne lord his heires or successours in any thing concernynge or touching his right a title of dissolutiō of the colledge beinge in the vniuersitye of Oxenford commonly called the cardinals colledge, whiche was lately founded by the late reuerende father in god Thomas late Cardinall and archebysshop of Dorke, nor concerninge the kinges right and title to the suite of the same colledge. Nor shall extende or be in anye wise beneficiall or auaylable to the deane and canons of the same colledge or any of theym in any thynge concernynge the kinges ryghtes and titles in all manours, lordshippes, landes, and tenementes, aduousons, churches, personages, and other hereditamentes of the sayde colledge or any of theym.

God saue the Kynge.

FINIS.